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ABSTRACT

This document presents regulations regarding the implementation of certain sections of the Higher Education Act of 1965, as amended, and governs grants to local educational agencies to plan, establish, or operate teacher centers, and to institutions of higher education to operate teacher centers. The regulation also governs compensation to state educational agencies for services under the program. The document presents the purpose of teacher centers as understood by the legislation, an overview of the program and regulation, a summary of major issues, citations of legal authority, and the actual amendments to Title 45 of the Code of Federal Regulations regarding grants to the teacher centers program authorized by the Higher Education Act of 1965, as amended. (MJB)

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PART IV

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

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Title

TEACHER CENTERS PROGRAM

Grant Requirements

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

PART 197—TEACHER CENTERS PROGRAM

Grants to Local Educational Agencies

AGENCY: Office of Education, HEW.

ACTION: Final Regulation.

SUMMARY: This regulation implements Section 532 of the Higher Education Act of 1965, as amended and governs grants to local educational agencies to plan, establish, or operate teacher centers and to institutions of higher education to operate teacher centers. The regulation also governs compensation to State educational agencies for services under the program. The purpose of teacher centers supported under the program is to provide elementary and secondary school teachers with opportunities for training and curriculum development which meet their needs and enable them to serve better their students. Each teacher center is supervised by a teacher center policy board the majority of which is representative of elementary and secondary classroom teachers in the area to be served.

EFFECTIVE DATE: Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject to the section shall become effective on the 45th day following the date of transmission to the Congress, subject to the provisions in the section concerning congressional action and adjournment.

FOR FURTHER INFORMATION, CONTACT:

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SUPPLEMENTARY INFORMATION:

A. OVERVIEW OF THE PROGRAM AND REGULATION

Section 532 of the Higher Education Act of 1965 (the Act), as enacted by Section 153 of the Education Amendments of 1976 (Pub. L. 94-482), authorizes the Commissioner of Education to make grants to local educational agencies to assist them in planning, establishing, and operating teacher centers. The statute also authorizes the Commissioner to make grants to institutions of higher education with ten percent of the program's funds to operate teacher centers.

Section 532(a)(2) of the Act defines "teacher center" as a site which serves teachers from public and nonpublic schools of a State, or an area or community within a State, in which teachers, with the assistance of such consultants and experts as may be necessary, may develop and produce curricula, utilize research findings, and provide training to improve the skills of teachers to enable the teachers to meet better the educational needs of their students.

The regulation implements these provisions by broadly defining the term "site" in § 197.2, describing allowable activities of a teacher center in § 197.3(b), and clarifying the teacher center's obligation to serve nonpublic school teachers in §§ 197.3(a) and 197.9(a)(4). Section 197.3(d) of the regulation lists eligible categories of participants in teacher center activities. The teacher center policy board (described below) for a particular center decides which of the indicated categories of eligible participants in addition to regular, full-time elementary and secondary school-teachers may participate in that center's activities.

A key innovative feature of the statute is its provision that each teacher center shall be operated under the supervision of a teacher center policy board, the majority of which is representative of elementary and secondary classroom teachers to be served by the center fairly reflecting the make-up of all schoolteachers, including special education and vocational education teachers. The statute also provides that the teacher center policy board shall include individuals representative of, or designated by, the school board of the local educational agency served by the center, and at least one representative designated by the institutions of higher education (with departments or schools of education) located in the area.

The regulation implements these statutory provisions in a number of sections. The board's authority for the center is broadly stated in a definition of the term, "supervision" in § 197.2 and by provisions in § 197.4(c) requiring the board to participate fully in the preparation of, and to approve, the application. With respect to the selection of teacher representatives constituting the majority of the board, § 19".2 defines "teacher" narrowly to include only regular, full-time classroom teachers engaged in teaching elementary or secondary school students, and § 197.4(b)(1)(i) indicates that the teacher representatives must fairly reflect the make-up of all teachers in the area to be served. Options for selecting teacher representatives are listed in § 197.4(b)(1)(ii). All of the options require that teachers generally, either directly or through their teachers' organization, nominate or select teacher representatives to the board.

Section 197.6 of the regulation sets aside ten percent of funds appropriated for the teacher centers program for grants to institutions of higher education. Section 197.5 indicates the difference between grants to local educational agencies to plan, establish or operate teacher centers and grants to institutions of higher education to operate teacher centers.

Under § 197.9 each applicant must submit its application through the State educational agency of the State in which the applicant is located. Only applications recommended by the appropriate State educational agency may be approved by the Commissioner. The statute also provides that the Commissioner shall ensure that there is adequate provision for the furnishing of technical assistance to, and dissemination of information derived from, each funded center. The State educational agency must be adequately compensated for its review and submission of applications, and its technical assistance and dissemination services.

Section 197.13 of the regulation sets aside ten percent of funds appropriated for the teacher centers program to compensate the State educational agencies for these services and indicates how the set aside will be distributed.

Section 197.7 of the regulation provides for the funding of multi-year projects, which generally will not exceed 36 months. A multi-year project receives an initial one-year grant, and continuation grants for the second or third year of the project are funded on a non-competitive basis, subject to a review of the project. One year projects, as well as multi-year projects, are eligible for funding.

Section 197.9 of the regulation sets forth application requirements for the program. The specific requirements call for information which the Commissioner needs to ensure that the applicant and project are eligible for funding and meet requirements in the statute and regulation and to evaluate applications on a competitive basis under the evaluation criteria in § 197.11.

Provisions on allowable and unallowable project costs are in § 197.8 of the regulation.

B. SUMMARY OF MAJOR ISSUES

A notice of proposed rulemaking for the teacher centers program, inviting public comment, was published in the FEDERAL REGISTER on June 13, 1977, and public hearings were conducted in Atlanta, June 21; New York City, June 22; San Francisco, June 27; and Chicago, June 29. During the 30-day period

of public comment, over 1,500 written suggestions and recommendations were received from interested persons and organizations. A summary of these comments and responses is included as an appendix to this document. The comments and responses are identified with the section number of the regulation to which they refer. They are presented in the numerical sequence of the regulation. In each case, a brief heading is used to identify the subject of the comment.

The following paragraphs discuss the major issues and how they are resolved.

1. *Payment of released time and substitutes.* Under the proposed regulation the use of grant funds to pay the cost of released time or substitutes to enable teachers to use the centers during working hours was allowable only in extraordinary circumstances and with prior approval of the Commissioner. This limitation on the use of Federal funds was intended to encourage voluntary teacher participation in the centers, to reduce each center's total cost, and thereby to permit funding of more centers. Public comment was overwhelmingly in favor of allowing each teacher center policy board to determine the extent to which Federal funds are used for released time and substitutes. The commenters' principal rationale was that teacher inservice training is too important to be limited to after school hours and that teachers should not be required to give up their free time to participate. The regulation (§ 197.8) makes the payment of released time or substitutes to permit teacher participation in the center's activities or in the teacher center policy board an allowable cost. To address the concern that these costs will require an excessive proportion of program funds, the criterion in § 197.11(g) is changed to consider the proportion of the budget represented by these costs.

2. *Authority and representativeness of the teacher center policy board.* The statute clearly gives the teacher center policy board responsibility for "supervising" the center, and this was reflected in the proposed regulation. However, public comment heavily favored increasing the authority of the teacher center policy board and assuring that the policy boards are closely representative of the teachers in the area to be served. On the other hand, there was significant comment to the effect that if policy boards are allowed to make policy and control the center's budgets, conflicts could arise between the policy boards and the school districts' boards of education. Since the intent of Congress is to give maximum control over the centers to the teachers to be served, the regulation (§ 197.4(b)) provides several optional methods for selecting the teachers representatives who comprise the majority of the policy boards' members, including permitting the teachers' collective bargaining agent or the local teachers' organization with the largest membership to select teacher representatives. Each of the options requires that teachers generally, either directly or through their teachers' organization, nominate or select the teacher representatives on the board. Many commenters wanted the regulation to mandate that the only option for selection of teacher representatives is for the teachers' collective bargaining agent or teachers' organization to select them. While this is an acceptable option, to mandate this option alone would be over regulation by the Federal government. ()

3. *Role of State educational agency.* Public commenters were sharply divided over the role of State educational agencies in the teacher centers program and the compensation for the State educational agencies' services. Commenters representing teachers and their organizations wanted the role and compensation sharply reduced; the State educational agencies and chief State school officers wanted the role expanded, on the grounds that the teacher centers program must become an integral part of the States' overall plans for inservice teacher education. The statute requires that State educational agencies review applications, make comments on the applications, and recommend each application that the State agency finds should be approved. In addition, the statute gives the State educational agencies the role of providing technical assistance to and disseminating information from funded centers. In order to insure that the maximum share of program funds goes for direct support of teacher centers, the one-seventh of total program funds, set aside as compensation for the State educational agency services in § 197.13(b) of the proposed regulation, is reduced to one-tenth in the final regulation.

4. *Grants to institutions of higher education.* Section 532(f) of the statute provides that up to ten percent of the total program funds may be expended directly by the Commissioner to make grants to institutions of higher education to operate teacher centers. The following issues have developed regarding implementation of section 532(f):

(a) *Setting aside the ten percent maximum for grants to institutions of higher education.* Under section 532(f), the Commissioner is authorized to decide the extent to which program funds will be used, up to the ten percent limit, to make grants to institutions of higher education. Section 197.6(a) of the proposed regulation announced the Commissioner's intention to set aside the ten percent maximum for grants to institutions of higher education. Public comment on this issue was sharply divided. Some commenters suggested that institutions of higher education be required to compete with local educational agencies, subject to the ten percent ceiling. However, colleges and universities continue to play a vital role in the training of teachers. The Commissioner believes that the degree-granting and educational research roles of institutions of higher education, together with their cooperative relationships with State educational agencies in teacher training and certification, justify using the maximum set-aside authorized by the statute. Under § 197.6, the Commissioner sets aside the ten percent maximum for grants to institutions of higher education.

(b) *Submission of applications by institutions of higher education.* The proposed regulation in § 197.9 required that applications from institutions of higher education, like applications for local educational agencies, be submitted through the appropriate State educational agency. Most commenters representing institutions of higher education asserted that applications from such agencies should be submitted directly to the Commissioner. These commenters cited the following statutory language in section 532(f): "• • • may be expended directly by the Commissioner to mak grants to institutions of higher education • • •" Other commenters particularly those representing State educational agencies, supported the requirement that all applications, including those from institutions of higher education, be submitted to the appropriate State educational agency for review and screening before being submitted to the Commissioner.

While the statute is somewhat ambiguous on this point, the Commissioner interprets it to require that applications from institutions of higher education be submitted through the State educational agency. Section 532(f) of the Act provides that the Commissioner may make grant awards directly to institutions of higher education, in contrast to section 532(e), which authorizes institutions of higher education to participate only by contracting with a local educational agency which receives a grant from the Commissioner. Section 532(f) does not expressly address whether an application from an institition of higher education must be submitted through a State educational agency. It provides that the authority to make grants to institutions of higher education is "subject to the other provisions of this Section," which would include provisions for applications to be submitted through the State educational agency.

In requiring submission of applications by institutions of higher educa-

tion through the State educational agencies, the regulation reinforces the important role of the State educational agencies for providing technical assistance to, and disseminating information from, funded centers.

(c) *Definition of the term "operate."* Section 532(f) of the statute authorizes grants to institutions of higher education "to operate" teacher centers. This contrasts with the language in section 532(a)(1) which authorizes grants to local educational agencies "to assist such agencies in planning, establishing, and operating teacher centers." Section 197.5(b) of the proposed regulation gave effect to this difference in authorizing language by making institutions of higher education eligible for grants only if the teacher center would be in operation at the end of the grant period. Some commenters supported the proposed language in § 197.5(b). However, most commenters objected to the proposed language and argued that it would give no effect to the difference in authorizing language and would permit institutions of higher education to plan, establish, and operate new teacher centers. Most of the commenters wanted institutions of higher education eligible only for grants to operate centers which had already been planned and established using other resources. In response to the public comment and so as to follow more closely the statutory language, § 197.5(b) is changed to make institutions of higher education eligible only for grants "to operate" teacher centers. However, there is no evidence of congressional intent to limit eligibility to only those institutions of higher education which are already operating a teacher center. Under § 197.5(b), an institution of higher education is eligible for a grant "to operate" a new or proposed teacher center but, unlike a local educational agency, is not eligible for a grant to assist in planning or establishing the new center. Therefore, an institution of higher education must pay the cost of planning and establishing a new teacher center out of funds from sources other than the teacher centers program.

5. *Evaluation criteria.* Section 197.11 of the proposed regulation contained the criteria which the Commissioner proposed to use in evaluating applications for grants (except applications for continuation grants under § 197.7). Many commenters suggested additional criteria or recommended changing or deleting the proposed criteria. Several commenters asked for changes in the number of points assigned to each criterion. In general, the commenters recommended that more emphasis be given to the qualifications of the proposed teacher center staff, to measures for increasing the effectiveness of the teachers served, the effective use of a "needs assessment" in planning the center's activities, and to the objectives of the proposed center. Most commenters felt that too much emphasis was placed on the degree of teacher participation and representation and not enough on the quality of the proposal and its potential to increase the effectiveness of the teachers served.

In response to the public comment, § 197.11 is changed to: (1) Increase the points assigned to the potential of the center to increase the effectiveness of the teachers served, in terms of the learning needs of their students; (2) increase (from 5 to 10) the points assigned to the extent to which the project objectives are sharply defined, clearly stated, and capable of being attained by the proposed procedures; (3) add a criterion on the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources.

6. *Participation by teachers from non-public schools.* Section 532(a)(2) of the statute states that a teacher center "serves teachers, from public and non-public schools," and section 532(b) states that the majority of the members on the teacher center policy board shall be "representative of elementary and secondary classroom teachers to be served by such center." Section 197.3(a) of the proposed regulation implemented the statute by providing that a teacher center "serve teachers employed in both public and non-public schools (if non-public schools are located in the area to be served and choose to participate in the teacher center)."

Most commenters agreed with the regulatory requirement that non-public school teachers be served by a teacher center, but objected to representation of non-public school teachers as part of the classroom teacher majority on the teacher center policy board. One rationale was that teachers in many non-public schools are not required to meet the minimum standards for licensure and certification. These commenters also argued that section 532(b) of the statute does not specifically require that the teacher majority of the board include representation of non-public school teachers. Other commenters opposed the inclusion of teachers from segregated schools and academies among the majority members of the policy board or as beneficiaries of the center's services. One commenter recommended that the regulation be changed to allow only non-public schools accredited by the State educational agency to participate.

Reading section 532(a)(2) and section 532(b) of the statute together, the Commissioner in § 197.4 of the regulation interprets the statute to require representation of non-public school teachers as part of the teacher majority on the policy board. Section 197.3(a) of the regulation recognizes that there may be no non-public schools in the areas to be served, or that the non-public schools in a service area may choose not to participate in a teacher center. Section 197.2 of the regulation is changed to add a definition of non-public school in response to the comments concerning participation by non-accredited or substandard private schools. Under Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-2000d-4), teachers from institutions which discriminate on the basis of race, color, or national origin may not participate in or benefit from programs supported by Federal funds.

7. *Definitions of "teacher;" designation of eligible participants.* In response to a large number of comments which recommended that the teacher center policy board be authorized to designate the categories of persons, in addition to elementary and secondary school classroom teachers, who may participate in the activities of a teacher center, the regulation distinguishes clearly between "teachers" who are eligible for membership in the teacher majority of the teacher center policy board, and all other eligible participants. In keeping with the statutory requirement, "teacher" is defined (§ 197.2) as only a regular, full-time classroom teacher engaged in teaching elementary or secondary school students, including a special education or vocational education teacher. On the other hand, to give each teacher center policy board (after it has been constituted) broad latitude for determining who, in addition to teachers, may participate in the center's activities, § 197.3(d) gives an inclusive list of eighteen categories of persons, any or all of whom may be designated by the policy board as additional categories of eligible participants. There was considerable comment urging that teachers on leave of absence be eligible for membership as part of the teacher majority of the policy board. This advice was not accepted, and the regulation reflects the congressional intent to vest "supervision," i.e., control and management of the centers, in those who are engaged full-time as teachers. The preponderance of public comment supported this position.

C. Citations of legal authority

As required by section 431(a) of the General Education Provisions Act (20 U.S.C.1232(a)), a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section. References to "sec." in the citations of authority following provisions of the regulation refer to sections of the Higher Educa-

tion Act of 1965, as amended by section 153 of the Education Amendments of 1976, Pub. L. 94-482. If the citation uses the word "interprets," the regulation provisions included an interpretation of the cited statutory provision. If the citation uses the word "implements," the regulation provisions include rules deemed necessary to implement the statute.

Authority. This regulation is issued under Title V-B, section 532 of the Higher Education Act of 1965 as enacted by section 153 of the Education Amendments of 1976, Pub. L. 94-482, 20 U.S.C. 1119a.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalogue of Federal Domestic Assistance Number: 13.416 Teacher Centers Program.)

Dated: October 13, 1977.

ERNEST L. BOYER,
Commissioner of Education.

Approved: January 3, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

§ 100a.16 [Amended]

1. In Part 100a, § 100a.16(a) is amended by adding a new subparagraph (40), which reads as follows:

(a) • • •

(40) Teacher Centers grants under section 532, Title V-B of the Higher Education Act of 1965, as amended (20 U.S.C. 1119a).

• • • • • •

2. A new Part 197 is added to read as follows:

Sec.
197.1 Scope and purpose.
197.2 Definitions.
197.3 Elements of a teacher center.
197.4 Teacher center policy board.
197.5 Categories of financial assistance.
197.6 Distribution of funds.
197.7 Project duration.
197.8 Allowable and unallowable costs.
197.9 Application requirements.
197.10 Review of applications by State educational agencies.
197.11 Evaluation criteria.
197.12 Right of appeal.
197.13 Compensation to State educational agencies.

AUTHORITY: Sec. 532, Title V-B, Higher Education Act of 1965, as amended (20 U.S.C. 1119a).

§ 197.1 Scope and purpose.

(a) *Scope.* (1) This part applies to the teacher centers program authorized under section 532 of Title V-B of the Higher Education Act of 1965, as amended by Pub. L. 94-482.

(20 U.S.C. 1119a.)

(2) Each grant under this part is subject to applicable provisions contained in the general provisions regulations of the Office of Education (Parts 100 and 100a of this chapter), except that the criteria in § 100a.26(b) do not apply to applications under this part.

(b) *Purpose.* The purpose of the teacher centers program is to meet the professional needs of teachers as defined by teacher center policy boards, thus enabling teachers to meet better the educational needs of their students, by—

(1) Providing financial assistance to local educational agencies for planning, establishing, and operating teaching centers; and

(2) Providing financial assistance to institutions of higher education for operating teacher centers.

(Implements Sec. 532, 20 U.S.C. 1119a; Sen. Rep. 94-882, p. 37 (1976).)

§ 197.2 Definitions.

As used in this part:

"Act" means section 532 of the Higher Education Act of 1965, as enacted by Pub. L. 94-482.

(Sec. 532, 20 U.S.C. 1119a.)

"Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965 as amended.

(Sec. 1201(a), 20 U.S.C. 1141(a).)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administration control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(Sec. 1201(g), 20 U.S.C. 1141(g).)

"Non-public school" means a nonprofit elementary or secondary school operated or controlled by other than a public authority, and which is licensed or approved by the State in which it is located or attendance at which satisfies applicable State compulsory school attendance laws.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2).)

"Site" means the location or locations where the curriculum development and training activities of the teacher center take place.

(Interprets Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2).)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

Sec. 1201(h), 20 U.S.C. 1141(h).)

"Supervision" means the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law (e.g., the employment of operating staff, consultants or experts, budgeting and expenditure of funds, and the formulation of recommendations for subcontracting to secure technical and other kinds of assistance).

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b).)

"Teacher" means only a regular, full-time classroom teacher engaged in teaching elementary or secondary school students, including a special education or vocational education teacher.

(Interprets Sec. 532(b), 20 U.S.C. 1119a(b).)

§ 197.3 Elements of a teacher center.

A teacher center must have all of the following elements:

(a) *Area served.* It serves teachers employed in both public and nonpublic schools (if non-public schools are located in the area to be served and choose to participate in the teacher center) of—

(1) A portion of single school district;

(2) An entire school district;

(3) Any number of school districts in a State short of the total number of districts; or

(4) An entire State.

(b) *Activities.* The teachers it serves are afforded the opportunity to—

(1) Develop and produce curricula (including the modification or adaptation of existing curricula) designed to meet the educational needs of the students served by the teachers;

(2) Use educational research findings or new or improved methods, practices, and techniques in the development of the curricula;

(3) Provide training designed to—

(i) Enable the teachers to better meet the special educational needs of the students they serve (including training to enable teachers to implement effectively specific curricula); and

(ii) Familiarize the teachers with developments in curriculum and educational research, including the use of research to improve teaching skills.

(Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

(c) *Grantee.* The teacher center is operated by a local educational agency, an institution of higher educa-

tion, or a combination of these agencies and/or institutions.

(Sec. 532(a)(2), 20 U.S.C. 1119a(a)(2))

(d) *Eligible participants.* In addition to teachers, as defined in § 197.2, the persons to be served by the teacher center may be determined by the teacher center policy board to include paraprofessionals, teacher aides, preschool teachers, teachers of adults below the college level, counselors, principals, other administrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act.

(Interprets Sec. 532(a), 20 U.S.C. 1119a(a))

§ 197.4 Teacher center policy board.

(a) *Composition.* Each teacher center must be operated under the supervision of a teacher center policy board composed as follows:

(1) The majority of the members of the policy board shall be representative of all the teachers in the area to be served by the center, including teachers who provide special education for handicapped and exceptional children, and teachers of vocational education.

(2) The policy board must include two or more persons representative of, or designated by, the school board(s) of the local educational agency (or agencies) served by the center.

(3) The policy board must also include at least one representative designated by the institution (or institutions) of higher education (with departments or schools of education) in the area to be served by the center.

(4) If the area to be served includes more than one local educational agency or more than one institution of higher education with a department or school of education, each such agency or institution must be represented on the teacher center policy board under subparagraphs (2) or (3). A person designated to the teacher center policy board under subparagraph (2) may represent more than one school board, and a person designated to the teacher center policy board under subparagraph (3) may represent more than one institution of higher education.

(b) *Representativeness.* (1) Each grantee must assure that the majority of the board is representative of teachers by—

(i) Making the categories of teachers (e.g., vocational education teachers, special education teachers, and other teachers at both elementary and secondary levels) fairly reflect the categories of teachers in the area to be served, including equitable representation of non-public school teachers (if there are non-public schools in the area to be served which choose to participate in the teacher center); and

(ii) Selecting the teacher members composing the majority of the board by one of the following options:

(A) Agreement between the local educational agency and the teachers' collective bargaining agent as to the specific teacher representatives or as to the procedures for selecting the teacher representatives;

(B) Appointment of the teacher representatives by the teachers' collective bargaining agent;

(C) Appointment of the teacher representatives by the teachers' organization with the largest number of members;

(D) Voting in which all teachers in the area to be served by the center have an opportunity to participate, either through a general or school-by-school election;

(E) Another method which permits teachers generally, either directly or through their teachers' organization, to nominate or select the teacher representatives on the board; or

(F) A combination of two or more of the options in clauses (A) through (E) of this subdivision.

(2) The options described in subparagraph (1)(ii) of this paragraph apply both to teacher centers serving teachers within a single local educational agency and to centers serving teachers in more than one local educational agency.

(3) In the case of a teacher center serving an entire State, in addition to the options under subparagraph (1)(ii) of this paragraph, the teacher members composing the majority of the board can be appointed by one or more State-level teachers' organizations.

§ 197.5 Categories of financial assistance.

The Commissioner makes grants of financial assistance—

(a) To local educational agencies to plan, establish, or operate teacher centers.

(b) To institutions of higher education to operate teacher centers. Grant funds may not be used by an institution of higher education to plan or establish a teacher center, but may be used to operate a center planned and established with other funds before or after the grant is made.

(Interprets Sec. 532(f), 20 U.S.C. 1119a(f).)

§ 197.6 Distribution of funds.

(a) The Commissioner sets aside ten percent of the amount appropriated under the teacher centers program to fund applications from institutions of higher education to operate teacher centers: *Provided,* That there are sufficient applications from institutions of higher education which receive the 50 point minimum to be considered for funding under the evaluation criteria in § 197.11

(Interprets Sec. 532(f), 20 U.S.C. 1119a(f).)

(b) After setting aside funds for grants to institutions of higher education under paragraph (a) of this section and funds for compensating State educational agencies for their functions under § 197.13, the Commissioner uses the remaining funds for grants to local educational agencies under § 197.5(a).

(c) In the case of a joint grant to a combination of one or more institutions of higher education and one or more local educational agencies, the amount of the grant charged to the 10 percent setaside for institutions of higher education is determined—

(1) According to the amount budgeted in the approved application for institutions of higher education; or

(2) If separate amounts for applicants are not budgeted in the application, according to the ratio of institutions of higher education to all recipients of the grant.

(Implements Sec. 532(a)(1), 20 U.S.C. 1119a(a)(1).)

§ 197.7 Project duration.

(a) The Commissioner approves projects under this part for a specified project period which generally will not exceed 36 months, subject to the availability of funds.

(b) An applicant for assistance may project its goals and activities over a period of up to three years. Approval of a multi-year project is intended to offer the project a reasonable degree of stability over time and to facilitate additional long range planning.

(c) An application proposing a multi-year project must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(d)(1) Subject to the availability of funds, an application for assistance to continue a project during the project period will be reviewed on a non-competitive basis to determine—

(i) If the grantee has complied with the award terms and conditions, the Act, and applicable regulations, and

(ii) The effectiveness of the project to date in terms of progress toward its goals, or the constructive changes proposed as a result of the ongoing evaluation of the project.

(2) In the case of an application to establish or operate a teacher center which would continue a prior planning

grant, the Commissioner, in reviewing the application on a non-competitive basis, also considers the evaluation criteria under § 197.11.

(Implements Sec. 532; 20 U.S.C. 1119a.)

§ 197.8 Allowable and unallowable costs.

(a) Allowable costs under grants to local educational agencies or institutions of higher education under the teacher centers program include—

(1) Personnel costs related to the management of the centers;

(2) Services of consultants and experts;

(3) Service contracts, including service contracts with institutions of higher education;

(4) Released time or payment for substitutes to enable teachers to participate in activities of the teacher center;

(5) Expenses of the teacher center policy board, including payment of released time or substitutes to enable its teacher members to participate in activities of the board, but not including the expenses of preparing an application for a grant under the teacher centers program; and

(6) Other direct and indirect costs incurred by the grantee in carrying out its approved plan of operation, subject to the applicable cost principles set forth in the appendices to subchapter A of this chapter.

(Sec. 532(a) (2) and (e), 20 U.S.C. 1119a(a) (2) and (e).)

(b) The following are not allowable costs:

(1) Construction of facilities; and

(2) Remodeling of facilities.

(Implements Sec. 532 (a)(2) and (e), 20 U.S.C. 1119a (a)(2) and (e), 20 U.S.C. 1221c(a).)

§ 197.9 Application requirements.

The Commissioner awards a grant to an eligible local educational agency or institution of higher education only if the applicant submits an application to the Commissioner through the State educational agency of the State in which the applicant is located.

(a) Each application must include:

(1) Designation of the specific area, school district(s), and schools, both public and non-public, to be served by the center;

(2) Documentation that a teacher center policy board—

(i) Has been established, including information on the membership of the board and the method of its selection, and

(ii) Has participated fully in the preparation of the application and has approved it as submitted;

(3) A statement of the means for assuring equitable participation by non-public school teachers on the teacher center policy board and in receiving the center's services, or documentation that there is no non-public school in the area to be served, or that non-public schools in the area to be served have chosen not to participate.

(4) A one-page abstract of the proposed project;

(5) A plan of operation which must include—

(i) A statement of the special educational needs of the students to be served by teachers participating in the center, and an explanation of how those needs were determined;

(ii) Information which provides a basis for evaluating the application under each of the criteria in § 197.11. Failure of an application to contain information responding to a particular criterion in § 197.11 will mean that the applicant will not earn points attached to that criterion.

(b) With respect to applications to operate an existing teacher center, the application, in addition to meeting the requirements in paragraph (a) of this section, must contain the following:

(1) A description of the activities of the center during the preceding year and the cost thereof;

(2) Identification of the sources of funding of the center during the preceding year; and

(3) A statement of the kinds of activities that will be undertaken to improve the existing center by use of the Federal assistance requested.

(Implements Sec. 532, 20 U.S.C. 1119a.)

(c) An institution of higher education shall include in its application, in addition to the other applicable information required by paragraphs (a) and (b) of this section, evidence that arrangements have been made with those local educational agencies with teachers to be served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board.

(Implements Sec. 532(f), 20 U.S.C. 1119a(f).)

§ 197.10 Review of applications by State educational agencies.

The Commissioner will not approve an application unless:

(a) The State educational agency of the State in which the applicant is located has reviewed the application, made comments thereon, recommended, that the application be approved, and transmitted the application to the Commissioner for approval; and

(b) The appropriate State educational agency has given an assurance that it will provide technical assistance to each center, and will adequately disseminate information derived from the center, including information on how the State educational agency will carry out the technical assistance and dissemination and a projected budget for those activities.

(Implements Sec. 532(d), 20 U.S.C. 1119a (d).)

§ 197.11 Evaluation criteria.

Applications for grants (except applications for continuation grants under § 197.7) are evaluated by the Commissioner on the basis of the criteria in this section. Each criterion will be weighted as indicated, with the total for all criteria being 100 points. An application must receive a minimum of 50 points to be considered for funding. In evaluating an application, the Commissioner considers:

(a) The extent of the teacher center policy board's authority and responsibility for supervision of the project (10 points).

(b) The potential of the proposed teacher center for increasing the effectiveness of the teachers served, in terms of the learning needs of their students (20 points).

(c) The soundness of the proposed plan of operation, including consideration of the extent to which—

(1) The objectives of the proposed projects are sharply defined, clearly stated, and capable of being attained by the proposed procedures (10 points); and

(2) The adequacy of provisions for reporting of the effectiveness of the project and dissemination of its results, and for determining the extent to which the objectives are accomplished (10 points).

(d) The appropriateness of size, scope, and duration of the project so as to secure productive results (5 points).

(e) The adequacy of qualifications and experience of personnel designated to carry out the proposed project (5 points).

(f) The adequacy of the facilities and resources (5 points).

(g) The reasonableness of estimated cost in relation to anticipated results, including the proportion of the budget represented by costs for released time or substitutes (5 points).

(h) The potential of the teacher center to impact upon and improve the grantee's overall program of inservice training for teachers (15 points).

(i) The representativeness of the teacher center policy board under § 197.4(b) (10 points).

(j) The extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources (5 points).

(Implements Sec. 532, 20 U.S.C. 1119a.)

§ 197.12 Right of appeal.

Any local educational agency or institution of higher education that is dissatisfied with the recommendation of the State educational agency regarding its application under the teacher centers program may petition

the Commissioner to request further consideration of the application by the State educational agency.

(Sec. 532 (c)(2) and (f), 20 U.S.C. 1119a (c)(2) and (f).)

§ 197.13 Compensation to State educational agencies.

(a) The Commssioner compensates State educational agencies for the cost of the following services performed in connection with the teacher centers program:

(1) Reviewing applications and providing comments thereon.

(2) Submitting of recommended applications to the Commissioner.

(3) Providing technical assistance to funded centers. Allowable technical assistance expenses of the State educational agency may include consultative services rendered at the teacher center site, workshops and conferences to provide information to centers (including an exchange of information among teacher centers), and activities of the State educational agency to obtain information incidental and necessary to the provision of technical assistance to funded centers in its State.

(4) Disseminating information resulting from activities of funded centers.

(Sec. 532 (c) and (d), 20 U.S.C. 1119a (c) and (d).)

(b) The Commissioner sets aside one-tenth of the amount appropriated for the teacher centers program for the compensation of State educational agencies, which sum will be disbursed according to the following stipulations:

(1)(b) Compensation for the combined services noted in subparagraphs (1) and (2), of paragraph (a) of this section is at a rate per application set by the Commissioner not to exceed prevailing rates for similar services.

(2) The remainder of the sum reserved for State educational agencies is made available to carry out functions described in subparagraphs (3) and (4) of paragraph (a) of this section.

(3) A State educational agency is compensated for the technical assistance it provides to, and the dissemination of information from, each funded teacher center in an amount for each center no more than that which bears the same ratio to the total funds available for these functions as the amount of the grant award to the teacher center bears to the total funds awarded to teacher centers in the fiscal year.

(Implements Sec. 532(d), 20 U.S.C. 1119a (d).)

APPENDIX

SUMMARY OF COMMENTS AND RESPONSES

The comments which follow came from (1) telephone conversations between interested persons and members of the Office of Education staff, (2) correspondence (nearly 300 separate letters including approximately 1500 specific recommendations), (3) personal visits by interested persons to the Office of Education, and (4) four public hearings (held in Atlanta, New York City, San Francisco, and Chicago) to elicit comments on the proposed regulation for the teacher centers program. Duplication and overlapping of comments made it possible to consolidate many recommendations and responses. The public comment and advice was very rewarding and has resulted in several significant changes in the regulation. The headings used in this summary merely suggest the subject of the comments and do not appear in the regulation. The section numbers are those of the corresponding sections of the regulation.

§ 197.1 *Waiver of the regulation.*

Comments. A commenter recommended that the regulation include a provision for waiving the regulation (i.e., exempting applicants and grantees from compliance with the regulation) under extraordinary circumstances which might arise. In these cases, the applicant would have to justify the need for the waiver to the Commissioner's satisfaction.

Response. No change is made in the regulation. A provision in the General Provisions Regulations of the Office of Education prohibits waivers of Office of Education regulations, including this one (45 CFR 100a.483). The prohibition of waivers is based largely on the Commissioner's concern for ensuring fair and uniform application of rules to all applicants and grantees. The issue of providing for waivers of grant regulations is being considered on a Department-wide basis. A proposed Departmental regulation providing for waiver of non-statutory requirements in limited circumstances was published in the FEDERAL REGISTER December 6, 1976 (41 FR 53411). It is possible that, because of this broader examination of the waiver issue, a final regulation may be issued on waivers applicable to the teacher centers program as well as other Department grant programs. However, pending the outcome of this examination, it is not appropriate that waivers be provided for in a particular program regulation.

§ 197.1 *Need for approval of the application by the applicant.*

Comment. A commenter asked whether an application prepared by a teacher center policy board can be submitted for review and evaluation even if it is not approved by the local educational agency.

Response. An application cannot be reviewed or evaluated if it has not been signed and submitted formally by the proper authority. Under the statute, only local educational agencies and institutions of higher education are eligible to apply.

§ 197.1 *Elimination of participation by institutions of higher education.*

Comment. A few commenters urged that the participation of institutions of higher education as grantees be minimized. Some wanted the participation of institutions of higher education eliminated entirely. Others suggested that institutions of higher education be required to compete with local educational agencies, subject to the ten percent ceiling in the statute. A justification given was that the statute gives the Commissioner discretion to use up to ten percent of the total program funds to make grants to institutions of higher education. The commenters reasoned that colleges and universities already have substantial funds for teacher training and have clearly demonstrated their capabilities in this area. Other commenters commended the decision to set aside the full ten percent for these institutions on grounds not only of fairness to institutions that have figured so crucially in the development of education in this country, but also because of the indispensable role they must continue to play in the training of teachers.

Response. No change is made in the regulation. The Commissioner is authorized to decide the extent to which program funds will be used, within the ten percent limit, to make grants to institutions of higher education to operate teacher centers. The principle thrust of the statute is to give teachers a larger voice in determining their own professional needs. However, colleges and universities will continue to play a vital role in the training of teachers at all levels. The degree-granting and educational research roles as well as the cooperative relationship they have with State departments of education in teacher training and certification justify using the maximum set-aside authorized by the statute. Since the majority of members of the policy board under a grant to a university or college must be representative of the teachers (as defined in § 197.2) in the area to be served, such a center may provide an opportunity for direct communication between teachers and preservice teacher education that has not existed before.

§ 197.2 *Preference for one site over another.*

Comment. A commenter asked if the regulation gives a preference to "school sites" or to "teacher centers" located away from schools as places where the staff development takes place. Another commenter wanted the regulation to define "site" as the school(s) where the participants work.

Response. No change is made in the regulation. The definition of "site" (the location or locations where the curriculum development and training activities of the teacher center take place) does not give a preference and leaves the determination of the location or locations to be used to the teacher center policy board.

§ 197.2 *Curriculum a prerogative of the State and local authorities.*

Comment. Several commenters saw potential conflict between the curriculum development in teacher centers and the fact that determination of the schools' curriculum is a prerogative of the State and local educational agencies in the context of State and local law. These commenters asked for clarification of this issue.

Response. No change is made in the regulation. The regulation is intended to resolve this issue by defining "supervision", in § 197.2, as "• • • the setting of policy and any appropriate managerial or supervisory activities not prohibited by State or local law • • •"

The definition thus permits the persons served by the center to "develop and produce curricula" (as mandated in the statute). The activities of the policy board, however, or of the persons served by the center

may, of course, not exceed the limits prescribed by State or local law. This is not considered to be an appropriate issue for further regulation by the Commissioner.

§ 197.2 *Meaning of "supervision."*

Comment. A commenter asked for further clarification of the term "supervision" as it relates to the functions of the teacher center policy board. More specifically, this commenter advised that the policy board (or the school district authorities) select and employ the director of the center and that the director (rather than the policy board as a whole) employ other persons whose services might be needed. Another commenter wanted "supervision" defined to include only matters which are not the responsibility of the local school board.

Response. No change is made in the regulation. The regulation does not limit the policy board's authority beyond the restrictions set by local and State law. The definition of "supervision" in § 197.2 does not preclude selection and employment of the center's director (if there is to be one) by the policy board and subsequent employment of other persons needed to staff the center by that director.

§ 197.2 *Eligibility of community colleges.*

Comment. One commenter requested that the regulation clarify whether a community college is eligible to apply as a local educational agency or as an institution of higher education. Another commenter wanted the regulation to specify that only accredited institutions of higher education could apply for assistance.

Response. A community college would be eligible to apply for assistance as an institution of higher education, provided it meets the definition of "institution of higher education" in section 1201(a) of the Higher Education Act, as amended. The regulation is changed to add the statutory definition. As is noted in another response, a community college would have to be accredited to be an institution of higher education, unless it meets exceptions specified under the definition. Community colleges as such would not be eligible as local educational agencies, but it is possible that a particular community college might establish that it comes within the definition of a local educational agency. For example, it might show that it is a public authority legally constituted within a State to perform a service function for public elementary and secondary schools.

§ 197.2 *Definition of "teacher."*

Comment. A commenter wanted the definition of teacher changed to state, "Teacher means any person who is certified where required and a major part of whose time is spent in direct contact with students, or who performs allied work which results in the placement of the person on the local salary schedule for teachers." Another commenter wanted "teacher" defined to include paraprofessionals, guidance counselors, and others doing supportive work, as well as teachers on leave of absence from teaching jobs who may be serving as officials in teacher organizations. Both of these commenters wanted their respective, recommended definitions to apply both to members of the classroom teacher majority of the policy board and to the eligibility of persons participating in the center's activities. Another commenter wanted kindergarten teachers to be included specifically in the definition; still another wanted "specialist" teachers and "teaching staff" added to the definition.

Response. "Teacher" is narrowly defined in § 197.2 to include only regular full-time classroom teachers engaged in teaching elementary or secondary school students. This definition applies primarily for purposes of determining who may be considered a teacher under the statutory requirement that the majority of the teacher center policy board must be "representative of elementary and secondary classroom teachers to be served by such center fairly reflecting the make-up of all schoolteachers, including special education and vocational education teachers." However, language limiting the applicability of the definition is deleted from § 197.2, with the effect that the definition applies to the word "teacher" throughout the regulation. This change should clarify the regulation. The narrow definition of teacher derives directly from the statutory reference to "elementary and secondary classroom teachers." The definition does not include paraprofessionals, counselors, or other support staff, nor does it include teachers on leave of absence, unemployed teachers, or substitute teachers. These categories of persons could serve on the teacher center policy board, but they could not be counted as part of the majority of "classroom teachers." To count them as part of the majority would dilute the legislated majority of "classroom teachers." The definition would include regular kindergarten teachers, if kindergarten is considered as part of elementary school education under State law. Section 197.3(d) of the regulation is changed to broaden the categories of persons eligible to participate in teacher center activities. This is more fully discussed below under the heading § 197.3 *Persons to be served by a center.*

§ 197.2 *Eligibility of institution of higher education laboratory schools to apply for assistance.*

Comment. A commenter asked whether "laboratory schools," attached to colleges or universities, are eligible to apply as local educational agencies for assistance to operate teacher centers. Another commenter requested that laboratory schools not be considered local educational agencies.

Response. A "laboratory school," attached to a college or university, is not eligible to apply for assistance as a local educational agency unless it establishes that it meets the definition of a local educational agency, for example, that it is a public institution having administrative control and direction of a public elementary or secondary school. Laboratory schools attached to colleges and universities do not generally operate as public elementary or secondary schools; and therefore, they would not generally be eligible as local educational agencies. A laboratory school could participate as part of an institution of higher education in developing an application submitted by the institution of higher education. Teachers from both public and non-public laboratory schools in the area to be served would have the opportunity to be served by the center.

§ 197.2 *Eligibility of regional educational service agencies as local educational agencies.*

Comment. A commenter requested that the regulation be changed to allow regional educational service agencies or intermediate units to apply as local educational agencies.

Response. No change is made in the regulation. The definition of local educational agency in § 197.2 is taken directly from the Higher Education Act. It would include particular regional educational service agencies and intermedite units if they are a public authority legally constituted to perform a service function for public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are regional in a State as an administrative agency for its public elementary or secondary schools.

§ 197.2 *Eligibility of State agencies other than State educational agencies to apply for assistance.*

Comment. A commenter requested that the definition of local educational agency in § 197.2 include those State agencies which are not part of or controlled by the State educational agency, but which nevertheless provide elementary and secondary education to special classes of students.

Response. No change is made in the regulation. State agencies other than State educational agencies may apply for assistance if they can establish that they have, under State law, "administrative control and direction of a public elementary or secondary school."

§ 197.2 *Eligibility of Indian tribal organizations.*

Comment. A commenter requested that the regulation be clarified to define Indian tribal organization as eligible applicants.

Response. The statute limits eligibility to "local educational agencies" and "institutions of higher education." Both entities are defined for purposes of the teacher centers program in section 1201 of the Higher Education Act. Indian tribal organizations, as such, do not come within these definitions. On the contrary, when Congress has intended to make Indian tribal organizations eligible under education assistance statutes, it has done so expressly. For example, in Title VII of the Elementary and Secondary Education Act (the Bilingual Education Act) and in the Indian Elementary and Secondary School Assistance Act, Title III of Pub. L. 81-874, local educational agencies are made eligible and additional language is used to make Indian tribal organizations eligible as well. These statutes and their legislative histories indicate the understanding of the Congress that the term "local educational agency" does not, without more specific language, include Indian tribal organizations. While Indian tribal organizations therefore are not generally eligible, particular tribal organizations may qualify as local educational agencies if they are constituted under a particular State's law to administer or control or to perform a service function for a public elementary or secondary school.

§ 197.2 *Definition of technical assistance.*

Comment. Several commenters asked that the term "technical assistance" be defined in the regulation.

Response. A definition of "technical assistance" is not added to § 197.2. However, § 197.13(a)(3) is changed to indicate the scope of technical assistance activities by the State educational agency.

§ 197.3 *Persons to be served by a center.*

Comment. Many commenters objected to the limitations in § 197.3(d) regarding categories of persons to be served by a teacher center. Some recommended the specific inclusion of certain additional categories, such

as counselors, paraprofessionals, principals, administrators, supervisors, public school teachers assigned to teach adults only, teachers on leave of absence who may be officials of teachers' organizations, parents who assist with the program of instruction, librarians, and college faculty. Other commenters strongly supported the inclusion of teachers from non-public schools among those to be served by the centers. Other commenters wanted the teacher center policy board to have full authority to determine what categories of persons are eligible to be served by a center. Their rationale was that any person who is a teacher or who is cooperating with a teacher to improve a school's effectiveness should be eligible to participate in a teacher center's activities, and that the policy board is in the best position to make decisions in this matter. One commenter was concerned that inclusion of "non-professional people—aides and paraprofessionals—as teachers, diluted the voice of the real teachers." Another commenter felt that administrators and supervisors should be excluded. One large group of commenters wanted school administrators included specifically as eligible to participate in the center's activities, and recommended that their participation not be an option of the teacher center policy board.

Response. Section 197.3(d) of the regulation is changed to broaden the categories of eligible participants in center activities. A teacher center may serve paraprofessionals, teacher aides, pre-school teachers, teachers of adults below the college level, counselors, principals, other administrators, supervisors, curriculum specialists, librarians, media specialists, elementary and secondary school students, the parents of elementary and secondary school students, substitute teachers, part-time teachers, teachers who are unemployed or former teachers employed in other capacities who intend to return to teaching, and intern teachers assigned to teach in a school where the teachers are being served by a teacher center assisted under the Act. While the statute describes a teacher center only as a site which serves "teachers," it does not expressly preclude the participation of others. Some of the categories of persons added (such as substitute and part-time teachers, teacher aides, and counselors) may come within a broad definition of the term "teacher." The other categories of persons (such as principals and parents) are made eligible because their participation may be instrumental to the success of the teacher center program and to the subsequent implementation of the curriculum developed. The teacher center policy board has the flexibility to include these persons as participants, and § 197.3(d) provides that the teacher center policy board decides which, if any, of these categories beyond regular elementary and secondary classroom teachers may participate in a particular center's activities. These changes in the regulation do not "dilute the voice of regular classroom teachers," because only regular, full-time classroom teachers may compose a majority of the teacher center policy board, which determines the categories of eligible participants. On the other hand, the statute does not provide a basis for requiring that each center serve these categories of persons beyond regular elementary and secondary classroom teachers. Also, while postsecondary faculty members may be used as consultants or experts to assist the center's activities, they are not eligible to receive the center's services. The teacher centers program's purpose is to serve teachers at the elementary and secondary levels, not postsecondary teachers.

§ 197.3 *Access to teacher centers.*

Comment. Several commenters felt that the size of a teacher center should be limited by regulation to ensure that all centers supported by Federal funds would provide easy access to the local teachers to be served.

Response. Section 532(a)(2) of the statute specifically provides that a center may serve teachers from an entire State. The Commissioner may not by regulation forbid this option.

§ 197.3 *Clarification of the term "area."*

Comment. A commenter was confused by definition of "area" in § 197.2 and the use of the same word in § 197.3(a). Another commenter asked who determines the area to be served by a center.

Response. The definitions of "area" and "community" in § 197.2 are deleted, and § 197.3(a) is changed to clarify this matter. Under § 197.3(a), the applicant and the teacher center policy board decide the extent of the area to be served by the center. It may be (1) a portion of a single school district, (2) an entire school district, (3) any number of school districts in a State short of the total number of districts, or (4) the entire State.

§ 197.3 *Courses for graduate school credit.*

Comment. Several commenters urged that the regulation specifically permit teacher centers to organize inservice training courses for which graduate school credit may be granted.

Response. No change is made in the regulation. Nothing in the regulation prevents the teacher center policy board from cooperating with credit-granting institutions and organizing courses or any other kind of appropriate training with or without credit.

§ 197.3 *Retraining of teachers to meet changing personnel needs.*

Comment. A commenter wanted the regulation to make it clear that a federally-supported teacher center could be used to provide retraining for teachers who teach subjects for which there are declining enrollments, to enable them to teach in other fields where the demand for teachers is greater.

Response. No change is made in the regulation because, under § 197.3(b), the kind of retraining described by the commenter is clearly allowed.

§ 197.3 *Teacher center staff.*

Comment. Numerous comments were received regarding the teacher center staff. One commenter urged that the regulation require that the center's director be a full-time teacher. Another felt that the staff ought to be made up wholly of teachers. One commenter felt that the local administrators who are "held accountable for the quality of instructional programs," should work on a "fifty-fifty basis" with local teachers. One writer recommended that the use of college professors as staff be minimized; another encouraged heavy use of college faculty, especially in the subject matter areas. Many commenters recommended maintaining considerable flexibility in staff composition with a constantly changing mix of school and college personnel, depending on the changing needs of the centers.

Response. To avoid over-regulation and not limit the flexibility of teacher centers policy boards in serving the diverse needs of teachers, decisions regarding composition of the teacher center staff are left to the discretion of the applicant agency and the teacher center policy board.

§ 197.3 *Program of activities of the teacher center.*

Comment. Although not relating to a specific section in the regulation, there were numerous recommendations regarding the substantive programs of teacher centers. Many commenters urged that training programs be based upon needs assessments. Others called for programs to be determined totally by teachers. One commenter called for focusing on "teacher's needs as perceived by teachers." Still another commenter felt that programs should not be limited to inservice education. Another felt that teachers should share the responsibility for determining training needs with the administrators and supervisors "who are responsible for the quality of local programs." Still another called for giving emphasis to "exchanging educational strategies and/or curriculums with colleagues with similar classroom needs and programs." Other commenters stated that to preclude State participation in determining training priorities would ignore the State's responsibility, and in some cases violate State law. One commenter urged that teacher centers meet local needs that "might not necessarily be related to the social aims of the Office of Education priorities which are based upon public opinion of needs."

Response. No change is made in the regulation. The substance of teacher center programs and center activities should be determined by the applicant and the teacher center policy board, within the limits of State and local law, and within the scope of the activities described in § 197.3(b).

§ 197.3 *Objection to emphasis on research.*

Comment. Several commenters objected to what they perceived as over-emphasis on research in § 197.3(b)(2) and (3)(ii). One commenter felt that the language "seems to emphasize training of a university classroom style rather than revitalization through experiences, sharing and personal decision on formulation, selection, and utilization of experiences offered."

Response. No change is made in the regulation. In § 197.3(b)(2) and (3)(ii), the references to the use of research findings and to familiarizing teachers with developments in educational research come directly from the statute. There is no evidence of any congressional intent to emphasize traditional classroom training, and no such emphasis is intended in the regulation. The authorized activities described in § 197.3(b) are very broad, and particular emphases or approaches are for the teacher center policy board to determine.

§ 197.3 *Preference for consortia or combinations of applicants.*

Comment. A commenter wanted to know whether the regulation gives a preference to applications from combinations of eligible applicants, such as a local educational agency in combination with one or more institutions of higher education.

Response. The regulation does not give a preference in this matter. Each project application will be reviewed and evaluated on its own merits.

§ 197.3 *Required or voluntary participation.*

Comment. A commenter urged that participation by teachers or other eligible persons in a teacher center's program be entirely voluntary.

Response. No change is made in the regulation. The decision as to whether participation is voluntary or required is left to the applicant and the teacher center policy board.

§ 197.3 *Clarification of the term "grantee."*

Comment. A commenter wanted clarification of the term "grantee" in the case of an application by a combination of institutions of higher education and/or local educational agencies.

Response. In the case of a joint application from a combination of eligible applicants, a joint award usually would be made to all applicants, who would be joint grantees and jointly responsible for carrying out the grant. If the application "breaks out" separate budgets for each applicant, the Commissioner has the option of awarding separate grants to each applicant or one joint award with separate budgets for each, as provided in 45 CFR 100a.19.

§ 197.3 *Teacher centers to serve teacher centers.*

Comment. A few commenters requested that the regulation be changed to allow funding of teacher centers whose primary function would be to train the staff and directors of other teacher centers, to provide for dissemination services and communication among them, and to operate "model or demonstration" centers.

Response. No change is made in the regulation. The activities of a teacher center in § 197.3(b) are taken directly from Section 532(a)(2) of the statute. The statute does not authorize the funding of centers whose primary function would be to train the staff and directors of other teacher centers. As defined in the statute, the purpose of a teacher center is to serve teachers within a given service area. It should be noted that most of the services called for in the comment can be provided by the appropriate State educational agency.

§ 197.4 *Membership on teacher center policy board.*

Comment. Several commenters asked that the regulation clarify that various categories of persons, other than those specifically prescribed by the statute, may be selected to serve on the teacher center policy board. Some wanted the regulation changed to require this representation. Several commenters thought it would be wise to have representation of the school's community of parents, principals, librarians, and other adults on the teacher center policy board. Other commenters wanted at least one counselor on the board. One person wanted student representation. One commenter wanted to assure the predominance of classroom teachers in the "supervision" of a teacher center, and requested that the regulation require that 75 percent of the membership of the board be classroom teachers. Another felt that teacher representation should be limited to 40 percent. Another asked that only full-time kindergarten—12th grade classroom teachers be allowed to serve. One commenter asked that the constituencies of existing teacher centers be represented on the policy board. One commenter felt that the institution of higher education representation "should be proportional to the size of the board and fairly reflect the institution of higher education involved." Other commenters wanted persons serving full-time on the staff of the teachers' organization to be on the board.

Response. Section 197.4(a) is changed to clarify the statutory provisions regarding representation of school boards and institutions of higher education. No other change is made in the regulation. With respect to the make-up of the board, the statute provides merely that the majority of the board must be representative of elementary and secondary classroom teachers to be served (fairly reflecting the make-up of all school teachers) and that the board shall also include individuals representative of or designated by the school board of the local educational agency served by the center and at least one representative designated by institutions of higher education (with departments or schools of education) located in the area. The compositon of the teacher majority of the board is discussed above under the heading "§ 197.2 Definition of 'teacher'." Nothing in the staute or regulation prohibits representation of other groups, such as parents, administrators or teachers' bargaining agents, on the board, but it is inappropriate to require this representation when the statute does not do so. It also is improper to require that teacher representation be at least 40 percent or 75 percent of the board when the statute provides for a "majority." With respect to representation by institutions of higher education, the statute requires "at least one representative designated by the institutions of higher education (with departments of schools of education) located in the area." Given the statutory language, it is not appropriate to mandate proportional representation for institutions of higher education.

§ 197.4 *Representation of the local school board.*

Comment. A commenter noted that Section 532(b) of the statute calls for "individuals representative of, or designated by, the school board of the local educational agency served by such center * * *" on the teacher center policy board. This commenter wanted a clarification of the course to pursue if, for example, a college or university applies for Federal assistance to operate a teacher center for several local educational agencies, each with its own school board.

Response. The regulation is clarified regarding representation of school boards on the teacher center policy board for a center serving teachers from more than one local educational agency. The statute provides that the teacher center policy board must include "individuals representative of, or designated by the school board of the local educational agency served by such center * * *" (emphasis supplied). This is interpreted to require that at least two individuals on the board must represent school boards. It is up to the applicant(s) to decide whether to provide for additional representatives of school boards. The school board of each local educational agency must be represented on the teacher center policy board. This does not mean that there must be an individual from each school board, but it does mean that school boards will have to agree upon individuals to represent them on the teacher center policy board. For example, if five local educational agencies are served by a teacher center, and the teacher center policy board must include two representatives of school boards, the school boards might jointly agree to designate these two individuals to represent all of them.

§ 197.4 *Authority of the policy board.*

Comment. A commenter wanted the regulation to clarify to whom the policy board would be responsible (i.e., to the local school board or to the superintendent), or whether it would be independent. Another commenter asked how expenditures from the teacher center funds would be monitored. A few commenters wanted the name "policy board" changed to "advisory board" because the setting of policy is an official prerogative of the school board and any delegation of that authority could set a "dangerous" precedent. One commenter felt that the policy board as proposed is "unconstitutional." A number of commenters expressed anxiety over the possibility of conflict between the teacher center policy board of a federally-supported center and local school district authorities. These commenters saw possible differences between the center's plans for inservice education and the grantee's on-going or prospective program of staff development, and between the center's staff and "consultants and experts" and the persons already charged by the grantee to conduct staff development. Other possible areas of difficulty were the expenditure of the grantee's funds for released time or substitutes for teachers and the making of decisions about curriculum development.

Response. No change is made in the regulation. A central feature of the teacher centers program is the authority given by the statute to a teacher center policy board, the majority of which is representative of teachers, to "supervise" the activities of the center. However, a local educational agency, or an institution of higher education, is the grantee and the only entity eligible to submit a project application. The grantee has ultimate responsibility for the proper use of the grant funds. Thus, there must be an understanding between the parties based on good will and trust. Under § 197.9, both the policy board and the applicant must approve the project application before it can be submitted.

§ 197.3 *Participation by non-public school personnel.*

Comment. A commenter observed that the qualifying clause "if non-public schools are located in the area to be served and choose to participate in the teacher center" in § 197.3(a) does not appear in the references to non-public school teachers in § 197.4(b)(1) and § 197.9(a)(3). The commenter asked, "Is such permissiveness * * * also implicit in the other two places?"

Response. The qualifying clause in § 197.3(a) governs in all matters related to the participation of non-public school teachers in a teacher center. Section 197.4(b)(1)(i) and 197.9(a)(3) of the regulation are changed to clarify this.

§ 197.4 *Objection to "proportional numerically."*

Comment. Several commenters pointed out the difficulty in "making the categories of teachers on the teacher center policy board (e.g., vocational education teachers, special education, and other classroom teachers at both elementary and secondary levels) proportional numerically to the categories of teachers to be served, including equitable representation of non-public

school teachers * * *." These commenters requested that the requirement of numerical proportion be eliminated on the basis that it could result in a policy board so large as to be incapable of supervising the teacher center. One commenter wanted to know whether every category of teacher must be represented or only those categories with a significant proportion of the teachers.

Response. The recommendation is accepted. Section 532(b) of the statute states that the "teacher center shall be operated under the supervision of a teacher center policy board, the majority of which is representative of elementary and secondary classroom teachers to be served by such center *fairly reflecting the make-up of all schoolteachers*, including special education and vocational education teachers" [emphasis added]. Section 197.4 of the regulation now follows the statute more closely and instead of "* * * proportional numerically to the categories * * *," reads "* * * reflect fairly the categories * * *." The proposed regulation was not intended to require strict, mathematical proportionality, but the Commissioner agrees with the commenters and believes that the statutory language clearly allows for some flexibility on this point.

§ 197.4 *Selection of the representative of an institution of higher education.*

Comment. A commenter recommended that the regulation require that the policy board member who is the "at least one representative designated by the institutions of higher education (with departments or schools of education) located in the area" be from a school or department of education.

Response. No change is made in the regulation. The suggested requirement would be over-regulation by the Commissioner. The institutions of higher education make the decision on whom to designate.

§ 197.4 *Selection of teacher members of a policy board for a statewide teacher center.*

Comment. A commenter recommended that in the case of a statewide center, the teacher members of the teacher center policy board should be appointed by the teachers' organization in the State having the largest number of members. Another commenter wanted the regulation to be more specific about the selection of policy board members for centers proposed by a combination of institutions or agencies to serve a large area.

Response. Section 197.4(b)(1)(ii) of the regulation is changed to provide a number of options for selecting the teacher majority of the teacher center policy board. The option of combining two or more of the other options should facilitate establishment of the board in the case of a center serving teachers from more than one local educational agency. The regulation provides that one option in the case of a statewide center is for the teachers to be appointed to the board by one or more State teachers' organizations.

§ 197.4 *Conflicts between State guidelines and teacher center regulation.*

Comment. One commenter requested that the regulation clarify whether State guidelines mandating "equal representation" among those participating in a program would prevail over § 197.4(a)(1) of the regulation, which requires majority representation of teachers.

Response. No change is made in the regulation. The State educational agency may establish criteria for its own guidance in reviewing applications, but the Commissioner will not approve any application which does not conform to the statute and this regulation.

§ 197.4 *Exclusion of non-public school teachers from the board.*

Comment. Many commenters agreed with the regulatory requirement that non-public school teachers be served by a teacher center, but objected to the required representation of non-public school teachers among those elementary and secondary classroom teachers who compose the majority of the teacher center policy board. The rationale of the objection was that the teachers in many non-public schools are not required to meet the standard for licensure and certification that public school teachers must meet. The commenters also alleged that section 532(b) of the statute does not specifically require that the majority of the board include representation of non-public school teachers. Other commenters who opposed the inclusion of non-public school teachers among the majority members of the teacher center policy board pointed out that teachers from segregated schools and academies (those set up to avoid racial integration in the schools) could, under the regulation, become members of the policy board and beneficiaries of services. Another commenter asked how non-public school teachers could expect to be represented if a "collective bargaining agent" or other teachers' organization selects the teacher representatives on the board. One commenter recommended that the regulation be changed to allow only non-public schools accredited by the State educational agency to participate. Other commenters strongly supported the regulation as originally proposed.

Response. Section 532(a)(2) of the statute states that a teacher center "* * * *serves* teachers, from public and non-public schools * * *," and section 532(b) states that the majority of the teacher center policy board shall be "representative of elementary and secondary classroom teachers *to be served* by such center, fairly reflecting the make-up of all school teachers" [emphasis added]. Reading these subsections together, the Commissioner interprets the statute to require representation of non-public schools on the board. Section 197.3(a) of the regulation recognizes that there may be no non-public schools in the area to be served, or that the non-public school teachers in a service area may choose not to participate in a teacher center. Section 197.2 of the regulation is changed to add a definition of non-public school in response to the comments concerning participation by non-accredited or sub-standard private schools. Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d—2000d-4) prohibits Federal assistance to any school which discriminates on the basis of race, color, or national origin. Therefore, teachers from such a school cannot become members of a teacher center policy board and are not eligible to participate in any of the activities of the teacher center.

§ 197.4 *Building administrators as local educational agency representatives on the policy board.*

Comment. One commenter requested that the regulation require that "building administrators" be among the local educational agency representatives to the policy board.

Response. No change is made in the regulation. Section 532(b) of the statute requires that the policy board include "individuals representative of, or designated by, the school board of the local educational agency." A "building administrator" could be selected to serve in this capacity, but the selection is a prerogative of the school board, and the Commissioner has no authority to infringe on that prerogative.

§ 197.4 *Selection of teacher members of the policy board.*

Comment. One of the most frequent recommendations was that the "teachers' bargaining agent," if one exists in relation to the applicant agency or agencies (or in relation to the collaborating local educational agency in the case of applications submitted by institutions of higher education), should be allowed to "nominate" or "select" the teacher members of the teacher center policy board, and that this method of selection be made mandatory by regulation. Many commenters urged that all references to "negotiation" be eliminated to avoid possible conflicts. One commenter wanted a definition of the term "negotiation." In most cases, the comments urged that, if there is no bargaining agent, the teacher members of the board should be appointed by the local teacher organization which has the largest number of members. The reasons for their recommendation, briefly stated, are: (1) The proposed option in the notice of proposed rulemaking of selection by "negotiation" would re-open contracts, which in some cases cannot be re-opened in time, and might lead to prolonged discussion and bargaining; (2) selection by means of an election overlooks the fact that teachers' organizations in most school districts have already held elections and chosen their representatives; and (3) the best way to assure true representation of teachers and control by them of the teacher center is by leaving the selection of the classroom teacher members of the board exclusively to the teachers' organization.

The great number and variety of comments showed the importance of the selection of teacher members of the policy board. One commenter wanted the regulation to clarify that only the teacher members of the board would be selected by negotiation. Others wanted to know whether the methods of selection in § 197.4(b)(2) were merely examples or whether their use was mandatory. One commenter requested that the option of selection by voting be eliminated, since a teacher center policy board selected by vote of the teachers might not reflect the school district's needs. This commenter wanted the selection of the board to be left to the discretion of the school board. Several commenters noted that in some cases the teachers' organization does not represent all of the teachers in the area. A commenter urged that the collective bargaining agent be given no voice in the selection of members of the board. A few commenters wanted the policy board to be elected by those teachers who choose to use the teacher center. One commenter recommended that the teachers' organization nominate candidates to the policy board and that the teachers to be served vote for the candidates of their choice. One commenter wanted the regulation to reflect a preference for election by voting rather than selection by "negotiation." One commenter recommended that the teachers' collective bargaining agent conduct an election of its members to select the teacher members of the board and that, where there is no collec-

tive bargaining agent, the State educational agency be authorized to hold an election for that purpose in the area to be served. Another commenter, arguing that the "American concept of one person-one vote" should prevail, proposed that all teachers to be served should have a vote in selecting the teacher representatives. Still another commenter urged that the options for selecting those representatives be left open, even if there is a recognized bargaining agent, in order "to ensure that the board is truly representative * * *."

Response. The Commissioner agrees with the general principle that classroom teachers should have maximum feasible control of the teacher centers through the policy boards. The regulation is changed to list the only possible options for selecting teacher representatives on the policy board and to clarify that these provisions refer only to the teacher members composing the majority of the board. The options include a broad "catch-all option" for other methods of selection. However, the common element in all the options, including the "catch-all", is that teachers generally, either directly or through teachers' organizations, must nominate or select the teacher representatives on the policy board. Consistent with the concern implicit in the great majority of comments, if the applicant unilaterally appoints classroom teachers to the board, these teachers could not be counted as part of the majority of the board representative of classroom teachers. It is not sufficient that the teacher representatives be classroom teachers; full-time regular classroom teachers generally must nominate or select them.

Two of the options for selecting the teacher representatives composing the majority of the board are for a teachers' bargaining agent, or the teachers' organization with the greatest number of teacher members to select the teacher representatives. The Commissioner recognizes that in many school districts these options may be the least disruptive and least expensive ways to select teacher representatives of the teacher center policy board, and the regulation expressly authorizes these options. However, to mandate that the only way for the teachers composing the majority of the policy board to be representative is for them to be appointed by a teachers' bargaining agent or organization would be serious over-regulation, particularly given the failure of the statute to call for this option or even to mention teachers' organizations. Therefore, even if there is a teachers' bargaining agent or a teachers' organization within the area to be served by the center, the applicant has all of the options in § 197.4(b).

In the case of a teacher center which will serve teachers from more than one local educational agency, the applicant or applicants must pick one or a combination of the other options to make the majority of the board representative of classroom teachers. In the case of a statewide project, one acceptable option would be for one or more statewide teachers' organizations to select the teacher representatives.

§ 197.4 *Board picks electors, electors pick board.*

Comment. A commenter pointed out a confusing "circular situation" created by the proposed regulation which required on the one hand that the policy board be representative of the categories of teachers to be served (§ 197.4(b)(1)), and on the other hand stated that the teacher center policy board may determine which categories of persons may be served by the center (§ 197.3(d)). A related comment wanted clarification as to whether a teacher center which specializes in a particular subject area or kind of teacher must have a policy board which reflects that specialization. Another commenter recommended that an interim planning board be formed to determine "representativeness needed to meet the requirements of the policy board."

Response. Section 197.4(b) is changed to clarify this matter. The regulation now interprets the statute to require that the majority of the board represent all regular, full-time elementary and secondary school classroom teachers in the area to be served. The statute expressly states that the majority of teachers on the board must "fairly reflect the make-up of all schoolteachers, including special education and vocational education teachers." Therefore, even if, for example, a center decided to focus on the curriculum and training needs of social studies teachers, a board with a majority composed solely of social studies teachers would not satisfy the regulation. Representativeness of the teacher center policy board must be examined with reference to all teachers. The teacher center policy board can decide to give priority, or even create limits on the availability of its services, to certain types of teachers, but this would not affect the requirements concerning composition of the board.

§ 197.4 *Policy board's right to approve or disapprove the application.*

Comment. One of the most frequent recommendations was that the regulation be changed to require that each application be approved by the teacher center policy board prior to its submission. The rationale of the recommendation is that this is the only way to assure that the policy board's contribution to the application will be given full consideration. Several commenters cited instances in their experience in which teachers were supposed to participate fully in a process or development, but in which their participation was only superficial or "token."

Response. The recommendation is accepted. The regulation is changed to require approval of the application by the policy board. This is what was intended in the proposed regulation, but the Commissioner agrees that the regulation should specifically require approval of the application by the board.

§ 197.4 *Timing of establishment of policy board.*

Comment. One commenter felt that the requirement that policy boards be established before the development of a proposal would give an advantage to: (1) Centers already in existence, and (2) centers being proposed for urban areas. Another commenter representing a large organization felt that it would not be necessary to establish the policy board prior to proposal development if the appropriate teacher's organization were involved from the beginning. One commenter recommended that "interim" policy boards be formed to prepare the applications. On this issue, most commenters strongly supported a requirement for prior formation of the policy board as a means of assuring full participation by teachers and their representatives in preparation of the application.

Response. Although some centers already in existence might have boards which meet some of the requirements of the program, almost none has the composition required by the statute. Thus, virtually all policy boards will be newly formed. The Senate Committee report related to the statute stated: "The purposes of these centers are to meet the professional needs of local teachers *as defined by the teacher center policy boards*" [emphasis supplied]; S. Rep. No. 882, 94th Cong. 2nd Sess. 37 (1976). The legislative intent to have the policy board determine the needs of teachers to be met would be thwarted if proposals were submitted before the board was established.

§ 197.4 *Operation of the policy board.*

Comment. One commenter requested that the regulation establish a method of voting by policy boards which would reflect "parity" among the groups represented on the board.

Response. No change is made in the regulation. In the absence of any specific statutory authority, it would be over-regulation to include the suggested requirement. The operating procedures of policy boards are best determined by the boards themselves.

§ 197.4 *Selection of policy board members other than the teacher majority.*

Comment. Numerous commenters asked for the same kind of specific directions for selecting all categories of policy board members as are provided in § 197.4 for selecting the teacher majority. Several commenters asked what should be done in cases where there are no institutions of higher education in the area to be served. Another asked what should be done if there are no teachers of vocational education in the area to be served. Yet another commenter requested that the regulation stipulate that an applicant local educational agency choose the institution of higher education to be represented, and that the local educational agency and the institution of higher education together designate the individual to represent the institution of higher education. Another commenter wanted the regulation to allow the teacher members and school board members of the policy board to select, or at least approve, the representative(s) of institutions of higher education and several comments wanted non-teacher members of the board to be selected only with the approval of the board's teacher majority. Another commenter requested that some method of choosing the institution of higher education representative be outlined, since some areas have many institutions of higher education, and conflicts may ensue.

Response. Specific directions are given for the selection of the teacher representatives to the board because they will constitute the majority and because the Commissioner wants to do everything possible to assure that the intent of Congress, i.e., supporting centers that focus primarily on teachers' needs as perceived by teachers, is realized. Rather than attempt to provide by regulation for every different situation, the Commissioner prefers to rely on the good judgment of the applicants. Where there are no institutions of higher education with departments or schools of education in the area to be served, the requirement for representation of institutions of higher education does not apply. The same is true regarding the requirement for representation of vocational education teachers. There is no basis in the statute for a regulatory requirement that non-teacher members of the board be

subject to approval by the teacher majority. As clarified by a change in §197.4(a), the Commissioner interprets the statute to require that all institutions of higher education with schools or departments of education in the area to be served have the opportunity to participate in designating the one or more representatives of institutions of higher education. This would occur after the applicant determines how many representatives from institutions of higher education to have on the board.

§197.5 *Support of independent existing teacher centers.*

Comment. Several commenters, primarily representatives of established, on-going, independent teacher centers, expressed concern about the continued existence of those centers, since the teacher centers statute contains specific requirements which would not allow support of those centers in their present independent form. These commenters feared that the new teacher centers program might have a negative effect on many of the successful, on-going, independent centers.

Response. No change is made in the regulation. Under the statute, grants may be made only to local educational agencies and institutions of higher education, but applications for grants could be developed by a local educational agency or an institution of higher education for a project to be carried out at an existing independent center. The center would have to be supervised by a teacher center policy board formed according to §197.4 (a) and (b). These applications would be reviewed on the same basis as other applications.

§197.5 *Set-aside for planning grants.*

Comment. One commenter wanted a percentage of the total program funds set aside for planning grants.

Response. The Commissioner does not feel that predetermined set-asides, either for operating or planning purposes, would be wise at the beginning of a new program. Section 197.6(b) is changed to avoid any implication that any set-aside or priority will be given to planning or other grants.

§197.5 *Definition of the term "operate."*

Comment. Many commenters objected to the proposed definition of "operate" in §197.5(b) which they argued would, in effect, permit institutions of higher education to plan and establish new teachers centers and put them into operation under the teacher centers program. The objection was based on the statute, which permits local educational agencies to plan, establish, and operate centers, but limits institutions of higher education to operating teacher centers. Most of these commenters wanted the regulation to limit institutions of higher education to the operation of centers which had already been planned and established using other resources. One commenter asked whether an institution of higher education may apply for support to operate an existing "independent" center. Other commenters strongly supported the definition of "operate" in §197.5(b).

Response. Section 532(f) of the statute authorizes grants to institutions of higher education "to operate" teacher centers. (This contrasts with the language in Section 532(a)(1) which authorizes grants to local educational agencies "to assist such agencies in planning, establishing, and operating teacher centers.") Section 197.5(b) of the proposed regulation gave effect to this difference in authorizing language by making institutions of higher education eligible for grants only if the teacher center would be in operation at the end of the grant period. In order to follow more closely the authorizing language, §197.5(b) is changed to make institutions of higher education eligible only for grants "to operate" teacher centers. However, there is no evidence of congressional intent to limit eligibility to only those institutions of higher education which are already operating an existing teacher center. Under §197.5(b), an institution of higher education is eligible for a grant "to operate" a new or proposed teacher center but, unlike a local educational agency, is not eligible for a grant to assist in planning or establishing the new teacher center. Therefore, an institution of higher education must pay the costs of planning and establishing a new teacher center out of funds from sources other than the teacher centers program.

Comment. A commenter wanted the amount allowed to a grantee institution of higher education for "operation" of a center to be limited to 10 percent of the grant, and wanted the balance of 90 percent to be at the disposal of the teacher center policy board in the associated school district(s).

Response. No change is made in the regulation. There is no justification for the suggested discriminatory treatment of institutions of higher education that become grantees. It should be noted, however, that in all cases the teacher center policy board "supervises" the center, which may include budgeting and the expenditure of the center's funds, if the board is not prohibited from performing those functions by State or local law.

§197.5 *Features of a planning grant.*

Comment. A commenter wanted to know whether a planning grant is limited to one year or less in duration, or whether it may be considered to be the first year of a project whose goals and activities are projected over a period of up to three years, under §197.7 of the regulation.

Response. An applicant for a planning grant may submit either a one-year application, or a multi-year application, under §197.7(a), calling for full-scale operation of the project during the subsequent year or years.

§197.6 *Allocation of funds in applications by consortia.*

Comment. A commenter requested that the regulation state how program funds will be divided between the 90 percent for local educational agencies and the 10 percent for institutions of higher education in the case of an application made by a combination of entities under §197.3(c).

Response. Section 197.6(c) of the regulation has been revised to provide that: If the application presents separate budgets from each applicant of the combined application, the division will be made on that basis. If separate budgets for applicants are not provided, the grant amount will be prorated according to the ratio of the institutions of higher education to all recipients of the grant.

§197.6 *Preference for small or large grants.*

Comment. Several commenters wanted the grants to be small. This, they believed, would help to assure the continuation of a center with locally-generated funds after the period of Federal support has ended. They argued that large Federal grants would make it more difficult and less likely that a center would continue with local funding. Another commenter favoring small grants suggested that it would be better to spread the funds to more places so that many more teachers could be served. Other commenters called for "some guidance" regarding desirable size of grants. Some commenters were decidedly in favor of large grants.

Response. No change is made in the regulation. The Commissioner believes that in the first years of the program at least, there should be maximum flexibility with respect to grant size. An applicant is free to request relatively small sums.

§197.6 *Gradual decrease in amount of Federal funding.*

Comment. A commenter, interested in trying to increase the likelihood that a teacher center will continue in operation after the period of Federal funding, recommended that the amount of Federal funding be decreased during the second project year and further decreased during the third year (in the case of centers which are supported for 36 months). The commenter's rationale was that this requirement would prepare the grantee and the teacher center policy board for the fourth year, when no Federal funds would be available.

Response. No change is made in the regulation. It is very important to leave open as many options as possible to a grantee and the policy board. The Commissioner does not know how many years of Federal financial support, and at what level, a given teacher center would need to demonstrate effectiveness and ensure its continued viability. Applications which propose to follow the strategy of this commenter and request less funding each succeeding year would be welcome, but the regulation does not require that strategy.

§197.6 *Determination of good quality for approval of grants to institutions of higher education.*

Comment. One commenter asked how the Commissioner proposes to determine whether there are sufficiant applications "of good quality" from institutions of higher education to warrant using the ten percent set-aside. The concern implicit in the question was that "good quality" was a highly subjective variable which could lead to abuse in the evaluation process to the disadvantage of institutions of higher education.

Response. Section 197.6(a) no longer includes the term "of good quality." Instead, §197.6(a) states that the maximum ten percent set-aside will be used "provided that there are sufficient applications from institutions of higher education which receive the minimum of 50 points to be eligible for funding under the evaluation criteria in §197.11."

§197.7 *Gradual increase in funding.*

Comment. A commenter proposed that the Commissioner follow the model of a proposed State plan for funding inservice education by which modest funds would be provided for the first year of a center's activities, with increased funding in subsequent years as the center demonstrates constituent support and effective services.

Response. No change is made in the regulation. A multi-year project may request a small grant for the first project year with

larger grants in subsequent years. However, this is ony one possible approach. Furthermore, the difficulty of measuring "constituent support" and "effective services" would make it extremely difficult to evaluate projects using the commenter's criteria.

§ 197.7 *Assurance of three-year funding.*

Comment. A commenter wanted the regulation to clarify the "stability of funding" of an approved center for the second and third project years. One commenter on this subject wanted clarification of the role of the State educational agency in determining whether a funded center would be continued beyond the first year of Federal support.

Response. The language in § 197.7 means that, where a project is initially funded on a multi-year basis, continuation grants for the second or third year of the project are made on a noncompetitive basis, contingent upon the presentation of evidence of satisfactory performance of the work as proposed and the availability of Federal funds. However, no application (including applications for continued funding) will be approved by the Commissioner unless the State educational agency has performed its reviewing functions and recommended the application, under § 197.10(a). This regulation applies equally to original applications and to applications for assistance to continue a project for a second or third year. Therefore, it is possible that a project funded initially with a multi-year project in mind may be vetoed by the State educational agency in a subsequent year.

§ 197.7 *Single-year and multi-year applications.*

Comment. A commenter wanted to know whether an applicant that requests only one year of support is at a disadvantage with respect to initial funding or continued funding in comparision with applicants that request multi-year support.

Response. With respect to new applications for initial support, applications requesting support for one year and applications requesting multi-year support will be reviewed on the same basis. No preference will be given. However, it is possible that the length of a given project in relationship to the budget request of that project and its anticipated results may affect the application's rating under several of the evaluation criteria. A project funded on a one-year basis, which then seeks a follow-up grant, will have its application reviewed on a competitive basis with applications for new grants. On the other hand, an application to continue a project initially awarded on a multi-year basis for the second or third year will be evaluated with other continuation applications on a non-competitive basis.

§ 197.7 *"Best interest of the Government."*

Comment. A commenter recommended that the expression "best interest of the Government", as it applies to the continuation of funding during a second and third year, either be clarified or eliminated.

Response. The recommendation is accepted. The term "best interest of the Government," is not used in the regulation.

197.8 *Prohibition of supplantation of regular expenditures.*

Comment. A commenter requested that the regulation assure that Federal funds used to support a teacher center will not be used to supplant State or local funds normally used by the grantee for support of inservice training for teachers and curriculum development. Another commenter recommended requiring an assurance "that the proposed teacher center program is one which is not currently being supported by other public sources and is such that its program elements are not, or cannot be performed under existing agency, institutional or administrative unit funding."

Response. A criterion addressing the commenters' concern is added in § 197.11(j).

§ 197.8 *Released time to prepare the application.*

Comment. A commenter requested that the regulation allow payment of released time as needed for those teachers and other employed persons who participate in preparation of the teacher center project application.

Response. Section § 197.8 is changed to clarify that the expenses of application development are not allowable costs. To allow these expenses would use up funds which should be used to support teacher center programs, and would reimburse grantees for expenses which unsuccessful applicants must bear from other resources.

§ 197.8 *Determination of direct and indirect costs*

Comment. One commenter asked who determines which are direct or indirect costs in accounting for grant funds.

Response. The initial determination would be made by the grantee in accordance with the grantee's official accounting procedures and the applicable cost principles prescribed in 45 CFR Part 100a and appendices A, B, C, and D to 45 CFR Part 100a.

§ 197.8 *Use of Federal funds for remodeling and maintenance.*

Comment. A commenter believed that there might be places and conditions where the success of a teacher center would be affected by the availability of funds for minor remodeling of the quarters to be occupied by the center. The commenter wanted the expenditure of Federal funds for such remodeling to be an allowable cost. Another commenter proposed that "regular maintenance of facilities" be an allowable cost.

Response. No change is made in the regulation. The applicant is expected to furnish the space and facilities required for effective performance. Given the relatively small amount of program funds available, use of the funds for remodeling would not be in the best interest of either the teachers to be served or their pupils. The maintenance of facilities, i.e., janitorial service, is allowable as a direct or indirect cost in keeping with the grantee's accounting procedures, consistently applied.

§ 197.8. *Payment for graduate credit.*

Comment. A commenter recommended that the regulation give the grantee (through its teacher center policy board) the option of paying the cost of securing graduate credit for inservice education provided by a teacher center. This was seen by the commenter as "an excellent motivator * * * a far less expensive incentive than teacher stipends."

Response. No change is made in the regulation. The cost of securing credit (whether college or university credit or credit equivalency for purposes of professional growth or salary increments) as part of the program of inservice training of a teacher center is not specifically stated as an allowable cost in § 197.8, but it would be covered under § 197.8(a) (2) and (3), Services of consultants and experts and Service contracts.

§ 197.8 *Payment of released time and substitutes.*

Comment. A recommendation made by many commenters was that the payment of the cost of released time or of substitutes, which would enable teachers to use the teacher center during their working hours, should be an unrestricted allowable program cost. Most of the commenters wanted the teacher center policy board to be free to decide whether and to what extent Federal funds should be spent for this purpose. The basic rationale was that the teacher center would be less effective if teachers and others could attend only before or after working hours during their free time. In addition, it was pointed out that staff development for other categories of workers is commonly provided during working hours, and that in some cases, notably when widely separated rural districts combine to use a single teacher center, attendance will be impracticable if it cannot take place during the regular school day. Many commenters stated that it would be unfair for teachers to be asked to use their limited free time for this purpose. Still another reason given was that, without a provision for payment of released time and substitute teachers, it would be unfeasible to organize inservice training or other activities for large groups of teachers or at a series of sessions. Some of the commenters urged that, at the very least, the regulation should permit payment of released time or substitutes for teacher members of the teacher center policy board when engaged in the affairs of the board. One commenter supported the use of Federal funds to pay for released time but recommended that a limit be set on the percentage of grant funds that can be used for this purpose. One commenter believed that the payment of released time by a teacher center in an area affected by court-ordered desegregation would have beneficial effects. One commenter noted that taxpayers often oppose the use of substitute teachers. This commenter recommended that if the payment of released time is made an allowable cost, the substitutes should be paid directly so as not to complicate the school district's accounting procedures. A few commenters strongly approved the regulation in its proposed form. Several commenters stated that it would be "a mistake" to pay for any released time.

Response. The proposed regulation was not intended to discourage or prohibit the release of teachers and use of substitutes to facilitate attendance at teacher center activities, but rather to limit the use of Federal funds for this purpose to those cases where an applicant "demonstrates a special need." The rationale for this limit was that, notwithstanding the desirability of released time, any large use of Federal program funds to pay for released time would reduce severely the number of teacher centers that could be supported. Nevertheless, the reasoning of the overwhelming majority of commenters is found compelling, particularly in regard to giving more authority to the teacher center policy board. The regulation is changed as follows:

(1) Section 197.8 of the regulation is changed to allow as grant costs payments for released time or for substitutes neces-

sary to allow teachers to participate in center activities. Provision is not made to allow as grant costs released time or substitute payments for persons other than full-time regular classroom teachers served by the teacher center.

(2) The language of § 197.8 is clarified to show that expenses for the operation of the teacher center policy board (including the payment of released time or substitutes to allow teacher members to participate in board activities) are allowable costs.

(3) To address the Commissioner's concern that a substantial proportion of program funds will be consumed for released time or substitute payments, thereby reducing the number of awards which can be made with limited Federal funds, § 197.11 is changed to provide that, in reviewing applications for the reasonableness of costs in relationship to anticipated results, the Commissioner considers the proportion of the budget represented by costs for released time or substitutes. Therefore, an application with substantial budgeted cost for released time or substitutes probably would not be well rated under § 197.11(g) (which counts for 5 points).

The determination of accounting procedures and how to pay substitute teachers is a prerogative of the grantee.

§ 197.8 *Purchase of instructional materials.*

Comment. One commenter proposed that the purchase of instructional materials be an allowable cost.

Response. No change is necessary in the regulation, which already allows these purchases under § 197.8(a) "other direct and indirect costs incurred by the grantee in carrying out its approved plan of operation • • •" These costs must, of course, further the activities of the teacher center and would include instructional materials for teacher center participants. With respect to instructional materials for students taught by teacher center participants, these costs would be allowed only on a limited basis to the extent that limited materials are incidental to the center's activities.

§ 197.9 *Submission of applications by institutions of higher education.*

Comment. Most commenters representing institutions of higher education recommended that applications from those institutions be submitted directly to the Commissioner rather than through the State educational agencies. These commenters cited the statutory language in Section 532(f) "• • •may be expended directly by the Commissioner to make grants to institutions of higher education• • •" Other commenters particularly those representing State educational agencies, stressed the importance of requiring in the regulation that all applications from institutions of higher education be submitted to the appropriate State educational agency for review and approval before being submitted to the Commissioner. One commenter pointed out that if applications from institutions of higher education are reviewed by State educational agencies, these agencies could fail to find any such applications worthy of transmission to the Commissioner for consideration.

Response. No change is made in the regulation. While the statute is somewhat ambiguous on this point, the Commissioner interprets it to require that applications from institutions of higher education be submitted through the State educational agency. Section 532(f) of the Act provides that the Commissioner may make grant awards directly to institutions of higher education, in contrast to Section 532(e), which authorizes institutions of higher education to participate only by contracting with a local educational agency which receives a grant from the Commissioner.

Section 532(f) does not expressly address whether an application from an institution of higher education must be submitted through a State educational agency. It provides that the authority to make grants to institutions of higher education is "subject to the other provisions of this Section," which would include provisions for applications to be submitted through the State educational agency.

In requiring submission of applications by institutions of higher education through the State educational agencies, the regulation reinforces the important role of the State educational agencies for providing technical assistance to, and disseminating information from, funded centers.

§ 197.9 *Sufficient time to prepare the application.*

Comment. Several commenters, taking into account the statute's special requirements for formation of the teacher center policy board, requested that the maximum possible amount of time be allowed between the official announcement of the closing date for submission of applications and that closing date. They wanted, if possible, three months. One commenter requested a six month preparation period.

Response. No change is made in the regulation. This matter is not one which the Commissioner will resolve by regulation. Instead, the length of time for preparing the application will be determined each Closing Date published in the FEDERAL REGISTER. The Commissioner agrees with the recommendations and will allow the maximum time possible, within the constraints of each funding cycle.

§ 197.9 *Education of the handicapped.*

Comment. One commenter requested that the regulation clarify the relationship between the teacher centers program and national efforts to improve the education of the handicapped.

Response. No change is made in the regulation. The education of the handicapped merits high priority, and teacher centers are a potentially useful means of serving that priority. However, the teacher center statute does not focus on particular substantive areas of education. Rather, the statute is designed to allow the teacher center policy board to determine the training and curriculum development needs of teachers at the local level. The decision to include activities related to the education of the handicapped is one for each teacher center policy board and applicant.

§ 197.9 *Provision of technical assistance.*

Comment. A commenter recommended that a local educational agency be required to set forth in the application how it will use technical assistance and from which institution(s) of higher education it will secure the assistance.

Response. No change is made in the regulation. This information is not needed by the Commissioner to carry out a review of the eligibility and quality of proposed projects.

§ 197.9 *Input to the policy board from teachers.*

Comment. A commenter, interested in assuring maximum involvement of teachers in the preparation of project applications under the teacher centers program, recommended a requirement that teachers in the applicant's district or proposed service area have the opportunity to review the application and to submit written suggestions for change to the policy board before the application is submitted to the state educational agency.

Response. No change is made in the regulation. The Commissioner is aware of the value of teacher input in the development of teacher center project applications and has assured this input by requiring that the project application be approved by the policy board.

§ 197.9 *Existing arrangements between institutions of higher education and local educational agencies.*

Comment. One commenter requested that the regulation recognize that many institutions of higher education have already formed effective informal arrangements with local educational agencies.

Response. No change is made in the regulation. The requirement in § 197.9(c) that "an institution of higher education shall include in its application • • • evidence that arrangements have been made with those local educational agencies with teachers to by served by the project for the participation of the teachers in center activities and in the activities of the teacher center policy board" is meant to ensure that any application from an institution of higher education has the necessary input from the local educational agency (or agencies) and its teachers before the application is reviewed. An existing arrangement, as suggested by the commenter, could facilitate the arrangements referred to in § 197.9(c) of the regulation, but the Commissioner does not feel that such an existing arrangement is sufficiently advantageous to merit special credit under the evaluation criteria.

§ 197.9 *Use of one Federal program to complement another.*

Comment. A commenter asked about the possibility of local educational agencies using other Federal programs of financial assistance to education to complement the teacher centers program. As examples, he cited the Emergency School Aid Act and Title IV-C of the Elementary and Secondary Education Act, of 1965, as amended.

Response. As long as expenditures comply with the applicable statutes and regulations for each program and are in accordance with the application for these programs (and the expenditures can be properly accounted for), there is no reason why programs cannot complement each other.

§ 19710 *Guarantee of approval*

Comment. A commenter asked whether there is any assurance that if a State agency recommends approval of one or more applications, at least one will be approved by the Commissioner.

Response. There is no assurance that at least one application will be approved from each State. All applications transmitted to the Commissioner will compete on equal terms on a nation-wide basis for the available funds, against the published requirements and evaluation criteria. Unlike some other educational assistance statutes, this statute does not provide for grants to each State, nor does it provide for any geographical distribution of the grants.

§ 197.10 *Provision of technical assistance.*

Comment. A commenter wanted the regulation to provide that the State educational agency, if requested by a grantee in its jurisdiction to furnish technical assistance to a teacher center, may choose to do so through one or more of the State's public institutions of higher education. This is to say that instead of using its own staff to provide the assistance, the State educational agency would be free to call upon a publicly-supported college or university to provide it. Another commenter asked what kind of technical assistance will be provided to a teacher center by the State educational agency. The commenter also asked what the regional officials of the Office of Education will do to make the technical assistane more effective.

Response. No change is made in the regulation. While technical assistance must be provided by the State educational agency, there is nothing in the statute or regulation which would preclude a State educational agency from arranging for that technical assistance to come from an institution of higher education or any other qualified agency or individual. The specific nature of the technical assistance provided will depend upon the needs of particular teacher centers and upon the specific activities planned by State educational agencies to respond to those needs. Regional officials of the Office of Education have no particular mandated role in the teacher centers program, but could, of course, be asked by the teacher center policy board for assistance.

§ 197.10 *Use of teachers to review applications.*

Comment. Several commenters recommended that the regulation require the State educational agencies to include full-time regular classroom teachers on any boards or panels set up to review applications under the teacher centers program. Some commenters wanted teachers to comprise the majority of any such board or panel of reviewers. Other commenters wanted a requirement that classroom teachers comprise a majority of any panel used by the Commissioner either to select reviewers or to determine the review criteria to be used by the States. Another commenter wanted to know who would review applications at the State and Federal levels. Yet another commenter urged that both State and Federal review panels have the same composition as the policy board.

Response. The Commissioner has no authority to determine who will review the project applications for the State educational agencies, and whether those persons are members of the agencies' own staffs, outsiders, or a combination of these. At the Federal level, the Commissioner, in deciding who will review the applications, will be sensitive to the comments and expects to use teachers as well as others for this purpose.

§ 197.10 *Dissemination by State educational agencies.*

Comment. A commenter interpreted § 197.10(b) to mean that the State educational agency would have the unreasonable burden of preparing, for submission with each application transmitted to the Commissioner, a separate plan for technical assistance and dissemination specifically related to each application. The commenter thought it should be sufficient for the State educational agency merely "to give assurance that application review, technical assistance and dissemination of information will, within available resources, be carried out and reported."

Response. No change is made in the regulation. Section 197.10(b) does not require, from the State educational agency, a separate plan for technical assistance and dissemination for each center. The requirement is met if the State educational agency, concurrently with or in advance of its submission of recommended applications to the Commissioner, submits (1) a single, general written assurance pertinent to all applications which it transmits to the Commissioner to the effect that the agency (a) will make provision for furnishing technical assistance to approved centers within the State, and (b) will disseminate information derived from those centers; and (2) a single, general statement on how the technical assistance and the dissemination will be performed, together with an estimate of their cost.

§ 197.10 *Elimination of State educational agencies from the program.*

Comment. Several commenters recommended that the State educational agencies' role in the teacher centers program be eliminated entirely.

Response. No change is made in the regulation. The statute explicitly assigns to State educational agencies the tasks of reviewing, commenting on, recommending, and transmitting applications, as well as providing technical assistance to and disseminating results from funded centers in the State.

§ 197.10 *Substitute for the role of the State educational agency.*

Comment. One commenter suggested that the responsibility of reviewing project applications by the State educational agency be given to a different State agency concerning with education, namely the State agency responsible for accreditation standards and the licensing of teachers. Another commenter on the same subject wanted the regulation to be changed to require coordination between the State educational agency and the State agency responsible for certification, since teacher centers may well become involved in programs to certify or recertify teachers.

Response. No change is made in the regulation. The statute provides for review and ar proval of local educational agency applications by the State educational agency. The term "State educational agency" as used in the statute is defined in Section 1201(h) of the Higher Education Act of 1965, to mean "the State Board of Education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such office or agency, an officer or agency designated by the Governor or by State law." While the State educational agency may well wish to consult or coordinate with the State agency responsible for the certification of teachers, the matter is clearly a prerogative of the State educational agency and not one to be regulated by the Commissioner.

§197.10 *Combined local educational agency—State educational agency.*

Comment. A commenter asked that attention be given in the regulation to special problems that might arise in those cases (District of Columbia, Puerto Rico, Hawaii) where the State educational agency is also the sole local educational agency.

Response. No change is made in the regulation. Section 197.3(a)(1) of the regulation provides that a center may serve an entire State. The appropriate educational agency in these jurisdictions would simply discharge the functions of both the State educational agency and the local educational agency under the regulation. Those State educational agencies which also function as the sole local educational agency in the area of their jurisdiction are not required to review and make comments on the applications they transmit to the Commissioner under §197.10(a).

§197.10 *Cooperation of State and Federal agencies.*

Comment. Commenters representing State educational agencies urged that the regulation reflect the need for cooperation at the Federal and State levels to coordinate teacher certification programs, graduate programs, and classroom programs. They wanted the teacher centers to fit closely with the individual State's needs and priorities. Some of the commenters recommended that the Office of Education "authorize State agencies to develop State plans for professional development which specify the criteria to be used in reviewing and recommending applications" under the teacher centers program.

Response. No change is made in the regulation. The Commissioner recognizes that some States have State-wide plans for inservice training of teachers, and that it would be desirable in those cases to integrate the State's teacher centers with those plans. The States already have authority to ensure this integration by means of their role in reviewing and recommending applications. However, the Commissioner lacks authority either to require or to pay for the development of State plans for professional development which include criteria for the review of applications. If State educational agencies do develop their own criteria for reviewing applications under this program, they are urged to make them public as soon as possible.

§197.10 *Pre-application involvement of State educational agency.*

Comment. One commenter wanted the regulation to require that the State educational agency work with local educational agencies that wish to apply for assistance, prior to the development of applications by those local educational agencies, in order to avoid rejecting or requesting modifications in their applications as a result of the State agency's review.

Response. No change is made in the regulation. In the absence of a statutory provision on this matter, it would be inappropriate to require such an involvement by State educational agencies. However, this involvement would be permissible under the statute and regulation.

§197.10 *Role of State educational agency in evaluation of applications.*

Comment. A commenter suggested that it might be more appropriate and efficient, and would avoid duplication, if the criteria in § 197.11 were divided for use between the State educational agency and the Office of Education. Thus, certain criteria would be used by the State agency for its review and comments, and the remaining criteria would be used by the Commissioner for review and evaluation of the applications. The commenter thought that criteria in § 197.11 (b),

(c)(1), (e), (f), and (i)(2) should be assigned for use by the State educational agency. Another commenter noted that since each State educational agency is free to develop its own criteria for the review and evaluation of applications, there is a possibility of "encroachment," "omission," and wide disparity in the quality of the States' criteria. This commenter recommended that the Commissioner stipulate in advance the criteria to be used by the State educational agencies or that each State submit the criteria it proposes to use to the Commissioner for prior approval. Another commenter recommeded that State educational agencies review applications for conformity to technical criteria only (rather than concerning themselves with the substantive merit of applications) and transmit to the Commissioner all applications that are in conformity with those criteria and State law. Many commenters wanted clarification of the role of State educational agencies "as field readers for the purposes of reviewing applications."

Response. No change is made in the regulation. In a discretionary grant program such as this one, the Commissioner must review applications on a competitive basis. As a matter of fairness, this is done on the basic of published evaluation criteria. The Commissioner ultimately must decide in terms of these criteria which applications to fund and cannot delegate this responsibility to an outside agency. Under the statute, however, the Commissioner can only review and approve applications recommended for funding by the appropriate State educational agency. No matter what criteria the State educational agency uses, the Commissioner cannot fund an application unless it has been recommended by the State educational agency. While it is hoped that the State educational agencies, in reviewing applications, will carefully consider the criteria published in §197.11, the Commissioner is without authority to prescribe criteria to be used by the State educational agency.

§197.11 *Importance of cooperative arrangements.*

Many commenters recommended that points be given in the evaluation of applications for evidence of arrangements for collaboration between local educational agencies and one or more institutions of higher education in the area to be served by a teacher center. The rationale was that teacher training is the business of the local educational agencies and the colleges and universities working together, and that the strongest applications will be those which display this cooperation. One of the commenters believed that the reference in section 532(a)(2) of the statute that teachers carry out activities of the teacher centers "with assistance of such consultants and experts as may be necessary," must be read in conjunction with section 532(e), which permits local educational agency grantees to contract for assistance from institutions of higher education. This commenter wanted the allowable costs rule to stipulate that "the consultants authorized under Section 532(a)(2) of the Act and the • • • provisions of technical assistance authorized under subsection 532(e) are the same and must be included together • • •"

Response. Section 197.8 is changed to provide expressly that service contracts with institutions of higher education are allowable project costs. The other recommendations are not accepted. Section 532(e) of the statute authorizes local educational agencies with approved centers to contract for assistance from institutions of higher education but does not require them to do so. The strength of cooperative arrangements with instutitions of higher education may bear upon the criteria in §197.11 (e) and (f) concerning the adequacy of project personnel, facilities, and resources. However, an applicant can score highly under these criteria through other approaches as well. Center activities can be run by teachers or by other experts or consultants.

§197.11 Required system of communication.

Comment. A commenter wanted the evaluation criteria to consider evidence of "definite lines of communication" between the policy board and its constituents, the school administrators, and the supervisory personnel in the area to be served.

Response. No change is made in the regulation. In order for an applicant to carry out a teacher center program in accordance with this regulation, there would necessarily be lines of communication between the policy board and the other groups noted. Also, it would be difficult in reviewing applications to measure distinctions between applications in terms of this factor. Therefore, it is not appropriate to add a distinct requirement or criterion on this point.

§197.11 *Financial support from grantee.*

Comment. Several commenters, including representatives of a State educational agency, urged that there be a criterion evaluating the extent of the applicant's "commitment to participate in and support a teacher center," either through "in-kind" or financial contributions. Some wanted the criterion to focus on support from the applicant for the payment of released time to permit teachers to participate more easily in the teacher center's activities.

Response. A specific criterion on financial contributions by the applicant is not added, on the grounds that it would tend to favor wealthy school districts and place poor ones at a disadvantage. However, the cost of a project in relationship to its anticipated results (§197.11(g)) remains as a criterion for evaluating applications.

§197.11 *Development of "model" centers.*

Comment. A commenter recommended that points be given to the "potential of the proposed program as a model for implementation elsewhere." Other comments opposed this emphasis.

Response. No change is made in the regulation. There is not an adequate basis for judging the potential replicability of a center before it has been put into operation. The uniqueness of each center to its own local situation makes it inadvisable to give emphasis to the potential for replicability.

§197.11 *Evaluation of teacher centers' effectiveness.*

Comment. Several commenters were concerned about evaluation of the effectiveness of teacher centers and recommended that they be judged not on the basis of the achievement test scores of students but on the amount of "teacher input," the extent to which individual teachers' needs are being met, the relationship of the center's program to classroom problems, the extent of "student involvement in learning activities," the degree to which teachers put into practice what they learn in the center, the extent of individual "professional development," and the amount of curriculum developed by participating teachers. In the commenters' judgment, evaluation should take into account "the teachers' self-assessment" and the teachers' assessment of the center's program. These commenters wanted any evaluation of teacher centers to be based on teachers' needs and the center's effect on teachers, rather than on the needs of students and the effect of the centers on students. One commenter recommended that centers be "continually evaluated by teachers to determine whether or not they are speaking to teachers' needs." A commenter felt that (1) detailed criteria should be included in the regulation governing the plan for project evaluation, and that (2) such a plan should specify how it would treat certain factors, including "teacher satisfaction," "administrator satisfaction," "pupil satisfaction" and progress, the need assessment, and the statistical techniques for interpreting data. Still another commenter felt that teacher centers should be evaluated only on the basis of their objectives as proposed in the application.

One commenter wanted the regulation to clarify whether §197.11(b) means that, after a year of operation, the approved center's potential for increasing the effectiveness of teachers will be evaluated, or whether the centers "would have to prove whether the teacher center has (in fact) increased the effectiveness of teachers." In the commenter's view, "we don't know how to evaluate teachers' effectiveness or whether a teacher center has had impact on that • • • we could waste a lot of money pretending to do that without knowing how." Another commenter on the same topic wanted to know how the individual teacher centers and the overall teacher center program will be evaluated.

Response. The comments appear to address evalutions on several levels: (1) Evaluation of new applications by the Commissioner; (2) Provisions for the applicant itself to evaluate how well its objectives are being accomplished; (3) Evaluation by the Commissioner of noncompeting continuation applications; and (4) Evaluation by the Commissioner of the overall teacher centers program.

(1) With respect to the evaluation of new applications, the criterion in §197.11(b) concerning the potential of the center to increase the effectiveness of teachers served in terms of the learning needs of their students does not require any proof that the center will increase the effectiveness of teachers; rather, it concerns the potential of the center to help teachers in meeting the learning needs of their students. Evidence pertaining to this criterion could concern the relationship of the proposed teacher center activities to student needs. This criterion derives directly from statutory provisions which describe the purposes of teacher center activities as enabling teachers to meet better the educational needs of the persons they serve (Sec. 532(a)(2) (A) and (B)).

(2) The criteria for evaluating applications also include a criterion on the extent to which the application provides for determining the extent to which the project objectives are accomplished. Except as noted above with respect to the criterion concerning the effectiveness of teachers related to educational needs of the persons they serve, it is not appropriate to add regulatory requirements on the objectives of each project

and how the applicant must measure them. Needs and conditions will vary from place to place, and the regulation leaves flexibility to applicants on these matters.

(3) Section 197.7(d)(2) is related to review of a previously funded project and is concerned with the effectiveness of the project to date (i.e., at the time its on-going activities are being evaluated) to determine whether it should be continued for a second or third year.

(4) The Commissioner is aware of the need for careful evaluation of the overall teacher centers program and of the difficulties in performing evaluations that are objective, withstand rigorous statistical analysis, and produce data that can be aggregated and thus provide a picture of the teacher centers program nation-wide. While the Commissioner accepts in principle many of the comments on evaluation and will consider them in formulating any Office of Education or independent evaluations of the overall program, further regulation on this is not needed. The introductory paragraph of § 197.11 is changed so that it no longer provides that the criteria for evaluating applications will also govern evaluations of the operation of funded teacher centers.

§ 197.11 *Impact on institutions or agencies.*

Comment. A commenter recommended that the effectiveness of a teacher center be measured primarily in terms of its effect on the grantee institution or agency and other institutions which it attempts to influence.

Response. The Commissioner agrees that the effect of the teacher centers program on the institutions and agencies with which it interacts is important. An applicant may choose to emphasize this as one of its objectives. However, it would be inappropriate for the regulation to impose this as a specific objective for each project. The Commissioner will consider this comment in designing any evaluations of the overall impact of the program.

§ 197.11 *Duplicative requirements for dissemination.*

Comment. Because the State educational agencies are given primary responsibility for dissemination, a commenter recommended that the evaluation criterion in § 197.11(c)(2) be changed to eliminate any mention of dissemination or reporting and focus entirely on evaluating the effectiveness of the project.

Response. The recommendation is not accepted. Aside from the major role of the State educational agency in dissemination, the potential impact of the project is enhanced if the grantee undertakes effective dissemination of project's results within, and outside, the grantee agency.

§ 197.11 *Over-emphasis on formation of policy boards.*

Comment. Many commenters felt that the assignment of points to criteria which deal with the authority and representativeness of the teacher center policy board was excessive, and that these points should be redistributed. A wide variety of recommendations concerning the redistribution of points were also received. (See § 197.11 *Weighting of the evaluation criterion*, below.)

Response. The recommendation is accepted. Section 197.4 has been changed to require approval of the application by the teacher center policy board. Therefore, it is not necessary to have a criterion measuring the quality of participation by the board in preparing the application. The criterion in § 197.11(i)(1) has been deleted, reducing the points for § 197.11(i) from 20 to 10.

§ 197.11 *Sufficiency or appropriateness of size.*

Comment. A commenter noted in § 197.11(d) the possible implication, based on the word "sufficiency," that centers should be large. The commenter thought that there are advantages to having large centers and other advantages to having small centers, and recommended that the word "sufficiency" be changed to "appropriateness."

Response. The recommendation is accepted and the regulation is changed to read "Appropriateness of size, scope, and duration of the project so as to secure productive results."

§ 197.11 *Impact upon the grantee's inservice program.*

Comment. A commenter objected to the evaluation criterion, in § 197.11(h), which gives points for "the potential of the teacher center to impact upon and improve the grantee's overall program of inservice training." The rationale of the objection was that the criterion might be seen as "an effort to impose a new structure on an already existing structure." The commenter wanted the teacher center to be independent, not in competition with existing programs. On the other hand, another commenter wanted a criterion included which favors applications which have arranged for close integration of the proposed teacher center with the inservice training programs of the applicant agency. The commenter stressed the importance of allowing flexibility so that the policy board can take into consideration both the needs of individual teachers and the needs of the school district.

Response. No change is made in the regulation. The potential of the teacher center to improve the grantee's overall program of inservice training is an appropriate criterion to weigh in judging competing applications. To the extent that a teacher center has this kind of effect, the positive impact of limited Federal dollars is increased, and the project better carries out the statutory purposes. However, the criterion is not an effort to impose a new structure on all existing training. An applicant could demonstrate potential impact under this criterion, not merely with reference to the structure of the center, but with reference to particular training and curriculum development activities. However, the regulation does not weigh integration of the proposed center with other inservice training programs of the applicant. Flexibility should be left to the applicant and teacher center policy board whether, in particular situations, it makes more sense to operate the center independent of other training or in close integration with it.

§ 197.11 *Authority and responsibility of the policy board.*

Commenter. A commenter asked about the meaning and intent of the evaluation criterion in § 197.11(a) which deals with "the extent of the teacher center policy board's authority and responsibility for supervision of the project."

Response. The purpose of the criterion is to make it clear that the policy board should have maximum authority and responsibility for supervision of the project, and that applications will be evaluated on the basis of the extent to which steps have been taken to assure that this will be the case.

§ 197.11 *Weighting of the evaluation criteria.*

Comment. Several commenters suggested changes in the number of points assigned to the criteria for evaluation of applications. In general, the commenters recommended that more points go to the qualifications of the proposed teacher center staff, to measures for increasing the effectiveness of the teachers to be served, to the effective use of a "needs assessment" in planning the work of the center, and to the objectives of the proposed center. Another commenter felt that the proposed criteria emphasized measureable outcomes and was concerned that such an approach would encourage narrow prescriptive center training rather than the kind of developmental programs needed to meet the diverse needs of individual teachers. One commenter wanted a criterion giving points for plans and activities which would increase the likelihood that the center would continue in operation after its period of Federal funding is over.

Response. Section 197.11 is changed in accordance with the applicable comments to: (1) Increase the points assigned to the potential of the center to increase the effectiveness of the teachers served in terms of the learning needs of their students; (2) Increase the points assigned to the extent to which the project objectives are sharply defined, clearly stated, and capable of being attained by the proposed procedures; (3) Add a criterion on the extent to which Federal funds will support new or expanded activities rather than supporting activities which are already being paid for from other resources. The proposed greater emphasis on the qualifications of the teacher center's staff is not accepted. As is appropriate, many centers may rely heavily upon teachers to staff the centers, and it may be difficult for application reviewers to draw clear distinctions among applications based on this criterion. To weight this heavily might suggest a bias in favor of centers run by outside experts, which is not intended. With respect to the comment that the criteria encourage narrow prescriptive training rather than developmental programs to meet diverse teacher needs, the regulation permits developmental programs which can respond to diverse needs. However, the Commissioner could not responsibly judge the best projects and award grant funds without knowing the objectives of the project and, in accordance with the statute, how the center is expected to increase the effectiveness of teachers in terms of the learning needs of their students. Within these general plans in the application, teacher centers have flexibility to evolve more specific activities and procedures.

§ 197.11 *Recognition of judgments made by State educational agencies.*

Comment. A commenter asked that the Commissioner give consideration in evaluating applications to any rating or ranking assigned by the State educational agency to each application which it sends to the Commissioner for review and evaluation.

Response. No change is made in the regulation. The comments made by the State educational agencies on application transmitted to the Commissioner will be read by the Commissioner's reviewing panels and

will be taken into account insofar as they bear upon the evaluation criteria in § 197.11. There is no reason to believe that each State will choose to rank or rate each of the applications it transmits to the Commissioner. Some State agencies might well choose to assign the same rating to all applications transmitted. In view of these uncertainties and the resulting difficulty in dealing fairly with each application received by the Commissioner, separate points are not assigned to the State educational agency's rating or comments.

§ 197.11 *Accommodation to existing teacher centers and inservice training plans.*

Comment. Comments were received from State educational agencies and local educational agencies pointing out potential conflicts between their on-going or planned inservice training programs for teachers, including on-going or planned teacher center-like organizations, and the programs to be carried out by the federally-supported teacher centers. The tenor of the comments was that these conflicts would not be in the best interest of any of the parties, and that ways should be sought to avoid them.

Response. No change is made in the regulation. If an applicant seeks Federal funds under this program to build upon existing training activities, the funded center would have to meet the statutory and regulation requirements. However, these requirements do not apply to other training activities of the applicant. The Commissioner agrees that ways should be sought to avoid any conflicts, but this needs to be done at the local level, not by Federal regulation.

§ 197.11 *Commitment to staff development.*

Comment. A commenter felt that it would be desirable to add a criterion for assuring strong commitment to "staff development" on the part of the individuals who are members of the teacher center policy board.

Response. No change is made in the regulation. It is not clear how such a criterion would be measured, and the criterion would involve an overly detailed review by the Commissioner. Moreover, such a criterion would imply a lack of confidence in the teachers and their organizations to select persons of competence as member of the board.

§ 197.12 *The appeals process.*

Comment. Several commenters took exception to the provision for appealing an adverse decision made by the State educational agency. One commenter thought that the provision for "recirculating" an appeal back to the State educational agency "seems like a fantastic bureaucratic run-around." This commenter wanted the final decision on appeal to rest with the Commissioner. One commenter felt the need for appeals from possible "arbitrary decisions by a local school board or administrator," presumably referring to the decision by a local educational agency whether or not to submit an application. Another commenter asked for greater clarity concerning the procedures for appealing an adverse decision made by the State educational agency.

For example, may an individual petition the Commissioner, or does the teacher center policy board make the petition? What constitutes a petition? Does it include a copy of the rejected application? Must the Commissioner see or examine the rejected application? Are there time limits for petitioning for an appeal? Is the Commissioner responsible for assuring that further consideration is given by the State agency to the rejected application? Is there a time limit for the reply by the State agency giving its final decision? Other commenters wanted the teacher center policy board or the teacher organization in the school district to be permitted to appeal directly to the State educational agency for reconsideration of the application if it is not recommended for funding by that agency. Another commenter wanted the same right of appeal to be extended to the local educational agency.

Response. No change is made in the regulation. The statute provides only that any applicant that is dissatisfied with the recommendation of the State educational agency regarding its application under the teacher centers program may petition the Commissioner to request further consideration of the application by the State educational agency. It does not provide for appeals by other organizations. Subject only to necessary time constraints which will be published for each fiscal year, the Commissioner would have no objection if a State educational agency provided opportunity for reconsideration of its action on applications at the request of applicants or other organizations or individuals. This would be up to the particular State educational agency.

It is anticipated that the petition and appeals process will be kept as informal as possible and that further guidance will be provided to applicants, particularly on time limitations, in the notice of closing date published in the FEDERAL REGISTER inviting applications for each fiscal year.

The petition itself may be simply a letter, signed by an authorized person, identifying the rejected application by title or other means and asking the Commissioner to request the State educational agency to reconsider the designated application. The Commissioner need not see the application itself. If the State agency reverses its rejection of the application, the application must be transmitted to the Commissioner for evaluation.

§ 197.13 *Professional practice boards.*

Comment. Several commenters urged that professional practice boards, where they exist, should be eligible to receive a part of the funds designated for State educational agencies.

Response. No change is made in the regulation. The statute clearly assigns State participation in this program to the State educational agency, which may assign the actual task to any appropriate unit, division, or other entity of the agency, including a professional practice board.

§ 197.13 *Adequate compensation to State educational agencies.*

Comment. Many commenters addressed themselves to the matter of the State educational agencies' participation in the teacher centers program and "adequate" compensation for services performed by those agencies. Commenters representing those agencies were of the opinion that the compensation offered is not or may not be adequate, because the three kinds of services to be provided would be in addition to present work-loads of State employees, and there is no guarantee of sufficient funds to employ additional persons. In the view of these commenters, any diminishment of the State's role or compensation would jeopardize the necessary collaboration and relationship of the State agency to the applicants with which it must, by law, interact. A commenter stated that the funds proposed for compensation of State educational agencies for their services in the teacher centers program would be inadequate. The commenter based that judgment on an estimate of the amount of staff time needed to perform those services: 15 days for the meetings, phone calls, correspondence, etc., needed to deal fairly with all the school districts in the State; 10 days for the development of review criteria and preparation for the review; 250 days for review of applications and preparation of comments on each one; and about 40 days for reconsideration of applications as the result of appeals. In addition to all of the above, the State educational agency must provide for dissemination and technical assistance to funded projects. The commenter recommended that, in view of the above, each State be required to submit to the Commissioner a plan for carrying out its responsibilities under the Act and, if the plan is approved, that a corresponding grant of funds be made to the State agency to assure the adequate compensation mandated in the statute. One commenter from a State agency felt that 5 percent would suffice for technical assistance and dissemination, but that the sum allocated for the review of applications should be increased. Many other commenters, representing other constituencies, believed that one-seventh of the total appropriation is an excessive amount for those purposes. In their view, the congressional intent in the teacher centers program is to give teachers the means and authority to deal effectively with their need for inservice training and curriculum development, and that any diversion of funds for other purposes could only lessen the effectivenss of their efforts. These commenters wanted the proposed one-seventh set-aside reduced to 10 percent, 5 percent, and even less. Another argument in support of decreasing the one-seventh set-aside was that if funds are available to State educational agencies to provide technical assistance concerning the training of teachers, the result would be to duplicate unnecessarily and in a costly way the functions of the State's teacher training institutions, which are publicly supported for that purpose. Other variations proposed by the commenters were that the State agencies be compensated only for reviewing proposals, and that a specific allotment of funds be set aside to compensate the State for each of its three functions. Another issue to be resolved emerged with the revelation that the proposed method of compensation, i.e., reimbursement, is not feasible in several States where State law provides that any reimbursement would go to the State treasury rather than to the State agency which provided the services.

Response. The statute mandates that the State educational agency: (1) Review and recommend applications, (2) provide technical assistance to funded centers, and (3) disseminate information derived from funded centers. Under the statute, the State educational agency must be adequately compensated for these services. Given the scope of these activities, the potential number of applications for the program, and the potential importance of the State educational agencies' role in the program, the set-aside for the State educational agencies is not reduced to the extent recommended by many commenters. However, the set aside is reduced from one-seventh to one-tenth of the

funds appropriated for the teacher centers program. This amount will be adequate to compensate the State educational agencies for their functions, and the remainder of the funds should go for the direct support of teacher centers. Section 197.13 is also changed (1) to delete any reference to "reimbursement" on the methods of paying State educational agencies for these services, thereby permitting other payment methods including advance payments and (2) to clarify the scope of technical assistance activities, indicating that the State educational agencies can take some initiative in organizing workshops and conferences to provide information needed by funded centers in their States.

§ 197.13 *Reallotment of unused funds.*

Comment. A commenter suggested that, of the funds withheld by the Commissioner for technical assistance by State educational agencies, any portion not requested for this purpose by the teacher center policy board would revert to the national treasury. The commenter recommended that grantees be required to inform the Office of Education if they do not intend to use all funds made available to them for this purpose so that the funds can be realloted to other grantees that would use them.

Response. Section 197.10(b) is changed so as not to provide that technical assistance must be specifically requested by each teacher center through the policy board. The State educational agency can only be compensated for technical assistance services to funded centers, and it is possible that these activities would be very limited if centers within a State neither need nor want them. However, the deleted provision in § 197.10(b) suggests a very passive State educational agency role in which the State agency could only act by responding to a request from a particular funded center in its State. There is nothing improper about this role, but it is also possible that particular State educational agencies may plan and carry out workshops and conferences to provide technical assistance information to a number of funded centers in their State. These activities would have to be designed solely to provide technical assistance to funded centers, and it would still be true that, if the funded centers neither needed nor elected to participate in them, they would not be eligible for compensation under the program. Nevertheless, this change and the reduction in the set-aside reduces the risk that technical assistance funds will go unused. This is a problem that will be closely watched by the Commissioner, but no further regulation is warranted at this time.

[FR Doc. 78-658 Filed 1-10-78; 8:45 am]

[4110-02]

Office of Education

TEACHER CENTERS PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1978

Notice is hereby given that, under the authority contained in section 532, title V-B, of the Higher Education Act of 1965, as amended (20 U.S.C. 1119a), applications for financial assistance under the teacher centers program are being accepted from local educational agencies and institutions of higher education. This program authorizes grants to local educational agencies to plan, establish, and operate teacher centers and to institutions of higher education to operate teacher centers. All applications must be submitted to the State educational agency of the State in which the applicant is located, for review by that agency. The State educational agency must then transmit to the U.S. Office of Education those applications which it recommends for consideration and approval by the Commissioner of Education.

Closing dates: March 30, 1978—Submission of applications to State educational agencies. May 1, 1978—Transmittal of recommended applications to the Office of Education.

(a) *Application forms and information.* Application forms may be obtained from the U.S. Office of Education at the address given in paragraph (f) below, after January 30, 1978. Applications must be prepared and submitted according to the teacher centers program regulation published in this issue of the FEDERAL REGISTER, and the instructions and forms included in the information package. The program information package may be obtained from the Division of Educational Systems Development at the address given in paragraph (f) below.

All applications requirements and the Commissioner's evaluation criteria are found in the regulation. All but a small portion of the application may be completed using the regulation alone.

(b) *Submission to State educational agencies.* State educational agencies may set their own criteria for the review of applications. Applicants may therefore wish to take into consideration those criteria, in addition to responding to the application requirements and evaluation criteria contained in the teacher centers program regulation. The State criteria (if any) can be obtained by writing to the appropriate State educational agency. See list of addresses of chief State school officers in paragraph (g) below.

Applications should be addressed or delivered in five copies (3 for the U.S. Office of Education) to the chief State school officer of the appropriate State educational agency at the address in paragraph (g) below. Applications must be received by the State educational agency on or before March 30, 1978. The package in which the application is mailed should be clearly marked:

Attention: CFDA-13.416—Teacher Centers Program Application. State review required.

In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below. An application sent by registered or certified mail will be considered to be received on time by the State educational agency if the envelope or wrapper or original receipt bears the U.S. Postal Service postmark date of March 27, 1978, or earlier.

Hand-delivered applications will not be accepted after the State educational agency's official closing hour on March 30, 1978.

(c) *Transmittal to U.S. Office of Education.* Applications which a State educational agency recommends for consideration and approval by the Commissioner of Education, together with the assurances required in 45 CFR 197.10, may be sent by mail or delivered by hand. Three copies of each recommended application are required. Those sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.416, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date of May 1, 1978.

In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that State educational agencies consider the use of registered or certified mail, as explained below. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application is sent by registered or certified mail not later than April 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

Hand-delivered applications must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C., between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted by the Application Control Center after 4 p.m. on the closing date.

(d) *Appeals to the Commissioner.* Applicants whose applications are not transmitted to the U.S. Office of Education by the appropriate State educational agency may appeal to the U.S. Commissioner of Education to request further consideration by the State

educational agency. Such an appeal, signed by an authorized official for the applicant, must be received at the address given in paragraph (f) below by 4 p.m., May 8, 1978. Applications which the State educational agency wishes to transmit to the U.S. Office of Education as the result of reconsideration following an appeal must be received by the U.S. Office of Education Application Control Center no later than 4 p.m. on May 15, 1978. These applications will be considered to be received on time by the Application Control Center if sent by registered or certified mail not later than May 10, 1978, as evidenced by the U.S. Postal Service postmark.

(e) *Program information.* In making applications, potential applicants should be aware of the limited amount of funds available for the program for fiscal year 1978. Of the $8,250,000 anticipated for the program in fiscal year 1978, $825,000 is reserved to compensate State educational agencies for their services, $825,000 is reserved for grants to institutions of higher education, and the remaining $6,600,000 is available for grants to local educational agencies. It is estimated that planning grants (local educational agencies only) will range from $10,000 to $25,000 and operational grants from $50,000 to $250,000. The average grant is expected to be about $150,000. The statute makes no provision to assure equitable geographic distribution of the grants, and consequently there is no assurance that there will be a teacher center in each State.

(f) *Contact for further information:* Dr. Allen Schmieder, Teacher Centers Program, Division of Educational Systems Development, U.S. Office of Education, 400 Maryland Avenue SW., Room 5652, ROB No.3, Washington, D.C. 20202, telephone 202-245-2235.

(g) *Addresses of chief State school officers:*

Hon. Wayne Teague, Superintendent of Education, State Department of Education, Montgomery, Ala. 36130.

Hon. Marshall L. Lind, Commissioner of Education, State Department of Education, Juneau, Alaska 99801.

Hon. Carolyn Warner, Superintendent of Public Instruction, State Department of Education, Phoenix, Ariz. 85007.

Hon. A. W. Ford, Director of Education, Department of Education, Little Rock, Ark. 72201

Hon. Wilson Riles, Superintendent of Public Instruction and Director of Education, State Department of Education, Sacramento, Calif. 95814.

Hon. Calvin M. Frazier, Commissioner of Education, State Department of Education, Denver, Colo. 80203.

Hon. Mark R. Shedd, Commissioner of Education, State Department of Education, P.O. Box 2219, Hartford, Conn. 06115.

Hon. Kenneth C. Madden, Superintendent of Public Instruction, State Department of Public Instruction, Dover, Del. 19901.

Hon. Vincent E. Reed, Superintendent of Schools, Public Schools of the District of Columbia, 415 12th Street NW., Washington, D.C. 20004.

Hon. Ralph D. Turlington, Commissioner of Education, State Department of Education, Tallahassee, Fla. 32304.

Hon. Charles McDaniel, Supertintendent of Schools, State Department of Education, Atlanta, Ga. 30334.

Hon. Charles G. Clark, Superintendent of Education, State Department of Education, P.O. Box 2360, Honolulu, Hawaii 96804.

Hon. Roy Truby, Superintendent of Public Instruction, State Department of Education, Boise, Idaho 83720.

Hon. Joseph M. Cronin, Superintendent of Education, Illinois Office of Education, Springfield, Ill. 62777.

Hon. Harold H. Negley, Superintendent of Public Instruction, State Department of Public Instruction, Indianapolis, Ind. 46204.

Hon. Robert D. Benton, Superintendent of Public Instruction, State Department of Public Instruction, Des Moines, Iowa 50319.

Hon. Merle R. Bolton, Commissioner of Education, State Department of Education, Topeka, Kans. 66612.

Hon. James B. Graham, Superintendent of Public Instruction, State Department of Education, Frankfort, Ky. 40601.

Hon. J. Kelly Nix, Superintendent of Public Instruction, State Department of Education, Baton Rouge, La. 70804.

Hon. H. Sawin Millett, Jr., Commissioner of Educational and Cultural Services, State Department of Educational and Cultural Services, Augusta, Maine 04333.

Hon. David W. Hornbeck, Supertintendent of Schools, State Department of Education, Baltimore-Washington International Airport, P.O. Box 8717, Baltimore, Md. 21240.

Hon. Gregory R. Anrig, Commissioner of Education, State Department of Education, 31 St. James Avenue, Boston, Mass. 02116.

Hon. John W. Porter, Superintendent of Public Instruction, State Department of Education, Lansing, Mich. 48902.

Hon. Howard B. Casmey, Commissioner of Education, State Department of Education, St. Paul, Minn. 55101.

Hon. Charles E. Holladay, State Superintendent of Education, State Department of Education, Jackson, Miss. 39205.

Hon. Arthur L. Mallory, Commissioner of Education, State Department of Elementary and Secondary Education, Jefferson City, Mo. 65101.

Hon. Georgia R. Rice, Superintendent of Public Instruction, Office of the State Superintendent, State Capitol, Helena, Mont. 59601.

Hon. M. Anne Campbell, Commissioner of Education, State Department of Education, Lincoln, Nebr. 68509.

Hon. John R. Gamble, Superintendent of Public Instruction, State Department of Education, 400 West King Street, Carson City, Nev. 89701.

Hon. Robert L. Brunelle, Commissioner of Education, State Department of Education, Concord, N.H. 03301.

Hon. Fred G. Burke, Commissioner of Education, State Department of Education, Trenton, N.J. 08625.

Hon. Leonard J. DeLayo, Superintendent of Public Instruction, State Department of Education, Santa Fe, N. Mex. 87501.

Hon. Gordon M. Ambach, Commissioner of Education, State Department of Education, Albany, N.Y. 12234.

Hon. A. Craig Phillips, Superintendent of Public Instruction, State Department of Public Instruction, Raleigh, N.C. 27611.

Hon. Howard J. Snortland, Superintendent of Public Instruction, State Department of Public Instruction, Bismarck, N. Dak. 58501.

Hon. Franklin B. Walter, Superintendent of Public Instruction, State Department of Education, Columbus, Ohio 43215.

Hon. Leslie R. Fisher, Superintendent of Public Instruction, State Department of Education, Oklahoma City, Okla. 73105.

Hon. Verne A. Duncan, Superintendent of Public Instruction, State Department of Education, Salem, Oreg. 97310.

Hon. Caryl M. Kline, Secretary of Education, State Department of Education, Harrisburg, Pa. 17126.

Hon. Thomas C. Schmidt, Commissioner of Education, State Department of Education, Providence, R.I. 02908.

Hon. Cyril B. Busbee, Superintendent of Education, State Department of Education, Columbia, S.C. 29201.

Hon. Thomas C. Todd, State Superintendent, Division of Elementary and Secondary Education, State Capitol Building, Pierre, S. Dak. 57501.

Hon. Samuel H. Ingram, Commissioner of Education, State Department of Education, Nashville, Tenn. 37219.

Hon. Marlin L. Brockette, Commissioner of Education, Texas Education Agency, Austin, Tex. 78701.

Hon Walter D. Talbot, Superintendent of Public Instruction, State Board of Education, Salt Lake City, Utah 84111.

Hon. Robert A. Withey, Commissioner of Education, Montpelier, Vt. 05602.

Hon. W. E. Campbell, Superintendent of Public Instruction, State Department of Education, Richmond, Va. 23216.

Hon. Frank B. Brouillet, Superintendent of Public Instruction, Office of the Superintendent of Public Instruction, Olympia, Wash. 98501.

Hon. Daniel B. Taylor, Superintendent of Schools, State Department of Education, Charleston, W. Va. 25305.

Hon. Barbara S. Thompson, Superintendent of Public Instruction, State Department of Public Instruction, Wisconsin Hall, 126 Langdon Street, Madison, Wis. 53702.

Hon. Robert G. Schrader, Superintendent of Public Instruction, State Department of Education, Hathaway Building, Cheyenne, Wyo. 82002.

Chief State school officers of outlying areas:

Hon. Mere T. Betham, Director of Education, Department of Education, Pago Pago, Tutuila, American Samoa 96799.

Hon. Elaine Cadigan, Director of Education, Department of Education, Agana, Guam 96910.

Hon. Carlos E. Chardon, Jr., Secretary of Education, Department of Education, Hato Rey, P.R. 00919.

Hon. Gwendolyn E. Kean, Commissioner of Education, Department of Education, Box 630, Charlotte Amalie, St. Thomas, V.I. 00801.

(h) *Applicable regulations.* The regulations applicable to this program are the Office of Education general provisions regulations (45 CFR Parts 100, 100a) and the teacher centers program regulation (45 CFR Part 197) published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1119a, 45 CFR Part 197.)

(Catalog of Federal Domestic Assistance No. 13.416, Teacher Centers Program.)

Dated: December 21, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-659 Filed 1-10-78; 8:45 am]

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